

**Access to Microfinance & Improved Implementation of Policy
Reform
(AMIR Program)**

Funded By U.S. Agency for International Development

**Enforcement and Administration of the
Laws on Patents and Industrial Designs**

Final Report

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This report was prepared by Mr. Jay Erstling, in collaboration with Chemonics International Inc., prime contractor to the U.S. Agency for International Development for the AMIR Program in Jordan.

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1. Introduction

The purpose of my consultancy was to assist in finalizing the implementing regulations for the newly enacted Patent Law (Law No. 32 for the Year 1999) and the Industrial Designs and Models Law (Law No. 14 for the Year 2000). In addition, I was charged with delivering initial training programs on the enforcement and administration of the patent and industrial designs legislation to officials of the Industrial Property Department, businesses, business associations, academics, judges and lawyers. Although not directly part of my scope of work, I also drafted a memorandum at the request of the Director of the Industrial Property Department outlining the advantages and disadvantages of Jordan acceding to the Patent Cooperation Treaty (PCT). I have attached a copy of my memo as Annex I of this report.

This is the second summer (or part thereof) that I have spent in Amman working on the AMIR Project. I feel proud to be part of the work of AMIR and privileged to be associated with outstanding colleagues at the Industrial Property Department, at International Business Legal Associates (the local AMIR lawyers), and at AMIR. At the Industrial Property Department, my thanks go particularly to Samer Al-Tarawneh, the newly appointed Department Director. At International Business Legal Associates, they go especially to Yasera Ghosheh and Maher Hamden, two very talented lawyers. And at AMIR, I am particularly grateful to Farhat Farhat, the outgoing Policy Component Leader, Brian O'Shea, his able successor, Nadia Qassim, the Policy Administrative Assistant who assures that every consultant's needs are met, and Lina Arafat, a very capable Event and Training Coordinator.

2. Implementing Regulations

Samer Al-Tarawneh, the Director of the Industrial Property Department, Maher Hamden and Yasera Ghosheh of International Business Legal Associates, and I had extensive discussions on the contents of the implementing regulations for both the Patents and Industrial Designs Laws. I also had an opportunity to review and comment on the patent and industrial designs forms that had been drafted by International Business Legal Associates. Copies of the proposed forms and copies of the forms containing my comments and proposals for amendment are attached to this report as Annexes II and III for patents, and Annexes IV and V for industrial designs. The discussions on the implementing regulations were based primarily on my comments on the draft regulations that had also been prepared by International Business Legal Associates. The draft Patent Regulation is attached to this report as Annex VI, and my comments are attached as Annex VII. The draft Industrial Designs and Models Regulation is attached to this report as Annex VIII and my comments on the Law are attached as Annex IX. The laws upon which the regulations are based are also attached as Annex X for the Patent Law and Annex XI for the Industrial Designs and Models Law.

In reviewing the draft regulations and forms, I relied principally on the provisions of the Jordanian laws, the TRIPs Agreement, and the Paris Convention, but I also took guidance from related U.S. Patent and Trademark Office (USPTO) and World

Intellectual Property Organization (WIPO) texts and materials. Particularly helpful were USPTO utility and design application forms and guides for filing applications as well as WIPO documents related to filing applications under the Patent Cooperation Treaty and to classifying and depositing industrial designs under the Locarno and Hague Agreements. I have provided copies of those background materials to International Business Legal Associates to aid in the preparation of the final draft of the implementing regulations and forms as well as for use as training materials.

On June 2, 2000, WIPO concluded a new treaty, called the Patent Law Treaty, that is intended to harmonize national patent application and examination procedures. Although the treaty is not yet in force, our discussions of the Patent Regulation also included reference to the new treaty. Because the treaty and the regulations were not fully in conformity, I suggested several ways to resolve the compliance issues.

Our discussions on the draft regulations were very fruitful. In particular, we were able to simplify the texts and remove a considerable number of extraneous provisions that had no basis either in the laws or in the TRIPs Agreement. For example, the original draft of the Patent Regulation contained several provisions on the registration and approval of license agreements. Those provisions will be deleted from the final draft. Similarly the Industrial Designs Regulation contained unnecessary and duplicative provisions on the registration of industrial property agents that will be removed from the final text.

We were also able to clarify terms that were incorrectly or confusingly used in the regulations. For example, the draft Patent Regulation referred to the term “specification” instead of the term “claims.” As both those terms have distinct and different meanings in patent law, applying the correct term is crucial to understanding the regulation’s requirements.

We also concluded that some provisions, while cumbersome, inefficient, or outmoded, should not be modified as I had suggested because long-established Jordanian practice and the expectations of Jordanian applicants dictated that the status quo should prevail. One such example is the procedure for filing opposition found in both the Patent and Industrial Design Regulations. Although the opposition procedure is a model of inefficiency with multiple unneeded steps, we decided that it should remain unchanged in the new regulations. The reason for this decision is that streamlining the procedure would actually cause more hardship to applicants and claimants, who frequently require considerable time to produce evidence and gather supporting affidavits, etc., than leaving the procedure unchanged. The current procedure is therefore more in keeping with the spirit of the TRIPs Agreement than one that would be more efficient on paper but less just in practice.

Now that we have reached agreement on the substantive provisions of the implementing regulations and forms, they need to be put in final form and submitted for approval. There is a great need to promulgate the regulations as soon as possible since the laws are in force but, until the regulations become effective, they cannot be properly administered or applied.

The modern, new patent and industrial designs systems that Jordan has adopted will require considerable adaptation and reform of Industrial Property Department

administrative practices. For example, patent and design classifications will need to be adopted and put into practice, procedures for improved examination will have to be put into place, and the Office will need to gear up for an inevitable increase in the number of applications filed. All this will take some time, but I believe the Industrial Property Department is up to the task and capable of making the transition to a modern industrial property office.

I look forward to continuing to work with the Industrial Property Department in helping to ensure that the transition to the new laws and regulations is a smooth one.

3. Training

I carried out initial training on the administration and enforcement of the Patent and Industrial Designs and Models Laws as follows:

- Two days to officials of the Industrial Property Department, the Ministry of Industry and Trade's WTO Unit, and other technical or scientific government institutes.
- One day to businesses, business associations, industrial property registration agents, and academics.
- One day to judges and lawyers.

While there is widespread awareness of trademark law and practice in Jordan, there is little familiarity with the other elements of intellectual property. This is not surprising given the fact that more than 4,250 trademark applications were published by the Industrial Property Department in 1999 (many of them from Jordanian applicants), but only 69 patent applications (and very few from Jordanian applicants) were published for the same period. Although I would classify the training I delivered as detailed and technical, a great deal of additional training will be necessary in order to ensure a sufficient level of common knowledge about patent and industrial design law and practice.

My patent training curriculum focused largely on an in-depth understanding of what constitutes an invention and of the requirements for patentability: novelty, inventive step, and industrial applicability. I also emphasized the elements of a patent application, particularly the claims, devoted a considerable amount of attention to dissecting the notion of prior art, examined the elements of infringement, and talked generally about enforcement under both TRIPs and the law of Jordan.

My design training curriculum similarly focused on what constitutes an industrial design and/or model and entailed a focused examination of several examples. I put special emphasis on the difference between technical and ornamental functions as well as the meaning of the requirements of novelty and independent creation, reviewed the exclusive rights that accompanied design protection, and also looked at enforcement issues.

The overhead slides I used in my training seminars are attached to this report as Annex XII. I have provided copies of the slides both to the Industrial Property Department and International Business Legal Associates.

The questions and discussions were lively and of very high caliber. In particular, there was great interest in issues of pharmaceutical patenting, which is a new aspect of the Jordanian Patent Law as required by TRIPs. Not only was much of the discussions during the training seminars devoted to pharmaceutical issues, but I also (to my great delight) received several follow-up emails and phone calls seeking greater clarification. All in all, I came away from each training seminar greatly encouraged that Jordanian patent and industrial design practice faces a bright future.

Future training, in my opinion, should largely take a case-oriented approach where participants are, for example, asked to decide questions of registrability, to argue or decide opposition cases, or to litigate or render judgments in infringement actions. In addition, much attention needs to be focused on the use of patent documentation, since the notion of patent documentation is virtually non-existent in Jordan at the current time.

4. Future Action

I remain available to assist International Business Legal Associates and the Industrial Property Department in the final steps of putting into force the implementing regulations and forms to the Patent and Industrial Designs and Models Laws.

Other tasks that remain under the current Scope of Work include:

- Providing extensive, practical follow-up training to Industrial Property Department officials;
- Developing the capacity of local trainers in the Industrial Property Department;
- Delivering in-depth training to judges, lawyers, and businesses;
- Conducting a seminar for media representatives on basic concepts and terminology of patents and industrial designs;
- Conducting a seminar for customs officials on patent and industrial design cross-border enforcement;
- Designing a U.S. or third-country training program for Industrial Property Department officials, judges, and lawyers.

I look forward to assisting AMIR in carrying out these tasks.

The Annexes follow.

Annex 1: MEMORANDUM - The Patent Cooperation Treaty

TO: Samer Tarawneh, Director of the
Industrial Property Department,
Ministry of Industry and Trade

FROM: Jay Erstling, AMIR Intellectual
Property Consultant

RE: The Patent Cooperation Treaty

DATE: July 3, 2000

In response to your request, the following is a brief overview of the Patent Cooperation Treaty (PCT) and an explanation of the advantages and disadvantages to Jordan of becoming party to the treaty. In my opinion, Jordan would be well served by acceding to the PCT.

Overview of the PCT

The PCT was concluded in 1970 and is open to all countries party to the Paris Convention. It is administered by WIPO. Currently the treaty numbers about 108 countries, including Algeria, Mauritania, Morocco, Sudan, and the UAE from the Arab world. The PCT makes it possible for a patent applicant to seek patent protection simultaneously in any or all of the PCT countries by filing an “international” patent application. The applicant generally files an international application either with his or her country’s industrial property office (called a “receiving Office” under the treaty) or with the International Bureau of WIPO in Geneva, Switzerland. According to the latest statistics, the average PCT applicant chooses to seek protection in (or “designates” in the language of the treaty) 71 countries. In each of the countries chosen (or “designated”) by the applicant, the effect of the international application is the same as if a national patent application had been filed with the country’s industrial property office.

Once an international application is filed, it is subjected to what is called an “international search.” The search is carried out by one of the world’s major industrial property offices (referred to as an “International Searching Authority” in the treaty), and the purpose of the search is to discover the relevant prior art. Each search results in the issuance of an “international search report,” which consists of a listing of prior art citations, in other words, citations of published documents that permit an industrial property office to determine whether the invention meets the patent law’s requirements of novelty and inventive step.

PCT-member countries may also opt for what the treaty refers to as an “international-type search.” An international-type search is an international search carried out by an international searching authority on a national application filed with the country’s industrial property office. Under the PCT, a country either may give applicants for national applications the option of seeking international-type searches, or it may determine that all national applications, or all national applications for particular types of inventions, filed with it should be subjected to international-type searches.

The international search report is first communicated to the applicant. On the basis of the prior art contained in the report, the applicant may choose to continue with his or her application or, if the report makes the granting of a patent unlikely, to withdraw the application. If the applicant chooses to continue the international application, the application and the international search report are published by the International Bureau of WIPO and sent to each industrial property office designated in the international application.

Once the application and international search report have been published and communicated to the designated offices, the applicant is given a period of 20 months to furnish a translation of the application into the official national language of each office and to pay the usual national fees. The 20-month period may be extended by a further 10 months if the applicant chooses to ask for what the PCT calls an “international preliminary examination report.” This report gives an initial and non-binding opinion on the patentability of the claimed invention. Most of the same industrial property offices charged with preparing international search reports also have responsibility for preparing preliminary examination reports, but when an office prepares a preliminary examination report, it is referred to in the treaty as an “international preliminary examining authority.” An added bonus is that the applicant has the right to amend the international application during the international preliminary examination. The 20- and 30-month periods provided in the PCT, as well as the ability to amend applications, are particularly generous when compared to the 12-month requirement for filing an application based on a Paris Convention priority claim, or the 18-month requirement for filing an application in Jordan based on an earlier filed foreign application.

When the applicant furnishes the translation and pays the national fees, the application is said to have entered the “national phase.” Once an application enters the national phase, the national industrial office makes a determination whether or not to grant the patent based on the country’s national patent law. In light of the international search report, and possibly also the international preliminary examination report, the determination of patentability becomes a greatly simplified and routine matter.

Advantages of the PCT

The PCT poses great advantages for Jordan and Jordanian patent applicants. The treaty simplifies and encourages the filing of patent applications in a large number of countries, and would undoubtedly increase the number of applications filed in Jordan, which currently is relatively low. It would also help to encourage the filing of international applications by Jordanian applicants. Most important, however, the

PCT would considerably reduce, or even eliminate in some cases, the search and examination work that the Industrial Property Department is required to carry out under the new Patent Law. Thanks to the international search report and the options of international-type search and international preliminary examination, the Industrial Property Department would have access to a prior art analysis that is more than sufficient to make decisions concerning the grant or refusal of patents. The PCT would thus allow the Industrial Property Department to carry out its work more efficiently, more economically, and with greater assurance.

For patent applicants, the advantages of the PCT are also considerable because the treaty saves effort, time, and money for anyone seeking patent protection in more than one country. Under the PCT, an applicant has eight to 18 more months than usual to determine the desirability of seeking protection in foreign countries, to appoint local patent agents in each country, to prepare the necessary translations, and to pay the national fees. Because of the international search report, the applicant can evaluate with reasonable probability the likelihood of his or her invention being patented, and can withdraw the application before costly national fees are paid if the application has little chance of success. Where the applicant chooses to request international preliminary examination, the probability grows even stronger, and the applicant can amend the application to ensure it is in order before it reaches the designated offices for the national phase.

The PCT has proven to be a significant boon to most countries that have joined it. Jordanian membership would, in all likelihood, not only add considerable value to the nation's patent system, but also to the national economy.

Disadvantages of the PCT

There is one significant disadvantage to Jordan of joining the PCT: Arabic is not yet an official PCT language. As a result, the PCT would permit a Jordanian applicant initially to file an international application in Arabic with either the Industrial Property Department or with WIPO, but the applicant would then have one month to file a translation of the application into a PCT language. Moreover, the PCT "Request" (the cover pages of the application) would have to be filed initially in a PCT language. The seven PCT "publication languages" are Chinese, English (presumably the language that most Jordanian applicants would use), French, German, Japanese, Russian, or Spanish. A final consequence of Arabic not yet being a PCT language is that the international search or international preliminary examination reports would be furnished in English.

While the language issue is a serious one, it should not outweigh, in my opinion, the overall benefits of PCT membership. For one thing, the limitation on the use of Arabic applies only to Jordanian applicants filing international applications and to the language of the international reports. Every PCT applicant who has designated Jordan would have to furnish an Arabic translation of his or her application when the application entered the national phase in the Kingdom. As a result, the Industrial Property Department would be passing judgment only on Arabic-language applications. Even with respect to Jordanian-filed international applications and English-language search reports, there is, I believe, the local capacity both to prepare the necessary translations as well as to evaluate and process the reports. It

is thus unlikely that Jordan would be unduly prejudiced because Arabic is not a PCT language.

One final point about language: as more Arabic-speaking nations join the PCT, the pressure will increase to include Arabic among the PCT languages. It is therefore likely that the language issue will become moot at some point in future.

Conclusion

Becoming party to the PCT would almost certainly increase the number of patents filed in Jordan, encourage Jordanians to seek patent protection in other countries, and enhance the nation's ability to carry out its patent examination functions. The end result for the nation's economy would most likely be increased investment, commerce, and technological development.

Annex 2

Form No. (1) The Patent

An Affidavit of Acquisition of an Invention

“To be submitted on one copy”

I -----

(Name, Address and Nationality of the Applicant (s))

Testify under oath that I acquire an Invention called -----

(The Name of the Invention)

And that -----

(The Name of the Inventor (s))

Claims that such invention is the true and first invention, and that it is not used by anyone else as far as I know and believe, and hence I request that I be granted a patent for the mentioned invention.

Written in ----- (Day) of ----- (Month) of ----- (Year)

This oath had been taken by ----- m entioned above in front of me,
I the judge of the Court of Conciliation who is legally authorized to direct an oath.

Written in ----- (Day) of ----- (Month) of ----- (Year)

Judge of the Conciliation Court

Form No. (2)
Patent Registration

“To be submitted on at least two copies”

- 1- Name of Applicant of the Patent, his/her title, commercial name if found, nationality, occupation, place of residency. Where the Applicant is a company or an establishment, its name, address, type, purposes and address of its headquarters.

- 2- In cases other than the ones listed in the Patents Law, the name of the Inventor, his/her occupation, place of residency and nationality.

- 3- Designation that indicates the subject matter of the Patent.

- 4- The Applicant's Agent for submitting the Application and proceeding with related procedures, and address thereof.

- 5- Designated Place of Residency to which all communications and documents pertaining to the Applicant are sent.

“Data Related to Jordanians Only”

- 1- Age -----

- 2- Qualification -----

- 3- Place of Work -----

- 4- Have you ever registered other Inventions -----
- 5- State the number of the Patent or the number of Application and the year -----

- 6- Which of these Patents have been used -----

- 6- Where the Application is submitted by a Non-Jordanian, the name of the foreign country in which the first Patent Application was submitted and the date of submission by the Applicant or his/her Agent or Successor along with the name and title of the person in the name of whom the Application at the foreign country was submitted.

- 7- Where the Applicant has acquired a Certificate of Temporary Protection as provided for in the Law on Patents, the name of the exhibition where such Invention is displayed and the official opening day of the exhibition.

- 8- Where the Application is by way of an Additional Patent, the date of the Original Patent is stated along with the date of the Ministerial Decision granting such, or the number of the Original Patent and the date of its submission as the case may be. "Where the Application is for improvements or changes or additions related to the Additional Patent that has been previously granted, or is related to the Application or granting an Additional Patent which has been previously submitted, the number of the Additional Patent is stated along with the date of the Ministerial Decision granting such, or the number of the Additional Patent and the date of its submission as the case may be".

- 9- Any illustrative particulars required by the Law

I, who hereby signs on this -----

As -----

Request that I be granted a Patent for the aforementioned Invention the period of
which starts from -----

Statement of the Attachments of the Patent

- 1- A detailed description of the invention and the best mode for carrying out the invention known to the inventor. Such description shall state clearly and in details the new specifications that the inventor requires protection thereof.
- 2- The drawings especially for the invention as the case may be.
- 3- A brief summary description of the invention and the graphic illustrations related to the invention as the case may be.
- 4- An English summary explaining the subject in approximately (200) words.
- 5- Where the Applicant is a company or establishment, a certificate for the registration of the company or establishment or, if the applicant is a corporate body, an official excerpt of the articles of association.
- 6- A certificate issued for the temporary protection where the Application is submitted with a protection right.
- 7- If the application involves the claim to the priority, the Application shall be attached with a copy of the full description of the Invention, its drawings and other documents that were filed with the Patent Application at the foreign country and authenticated by such country. Such documents shall be filed with the Application or within 3 months maximum if the Applicant so requests by filling the Form prepared for this purpose. The Invention shall be the same in both the Patent Application and the documents submitted at the foreign country.
- 8- A translation into Arabic of the Priority document where such is submitted in English.
- 9- If the Application is submitted by the Inventor's heirs or successors, documents proving the claim of Applicants.
- 10- A duly authenticated power of attorney if the application was submitted by the agent.

Form No. (3)
Opposition to Granting a Patent

Two copies of the Opposition are attached herewith

I -----

(The full name and address)

Attest that I oppose to granting the Patent pursuant to the Application No. -----

----- submitted by ----- on the basis of the following

reasons: -----

Notifications in the Kingdom shall be sent to my following address: -----

Form No. (4)
Application for Acquiring a Certificate upon
Payment of Renewal Fees

I -----

Hereby enclose the fees for renewing the Patent No. ----- dated -----

----- for another -----.

I kindly request the communication of notifications to the Patentee's following address:

Name :

Address:

Signature:

The Part stated hereunder is completed at the Patent Registrar's Office

A Certificate of Payment of Renewal Fees

Patent No ----- dated in -----

I hereby testify that -----
has paid in this day ----- of (Month) ----- of (year) -----
the designated fee of a total ----- for a period of -----
as of ----- . Hence, the rights of the Patentee shall be
abided by.

Form No. (5)

Application for Recording a Right in the Patents' Register

I -----

Kindly request that my name is recorded in the Patents' Register as the
Owner of the

Patent "or a partner thereof" in the Patent No. ----- dated in -----
and authorized to ----- and known as -----

(The name of the Invention)

I allege that I have the right to be granted this Patent pursuant to -----

(Details of the documents and their dates and the persons to whom they are issued and means
of proving the allegation)

As a proof of that, I attach therewith ----- with an authenticated copy therefrom.
(Type of document)

My address in the Kingdom is -----

Signature -----

(The Capacity of the signer is stated therewith)

Form No. (6)

**Application for Recording the Contracts of Hypothecation, Licensing
or Seizure in the Patents' Register**

I -----

(The full name, address and nationality)

Request to record the following in the Patents' Register.

I claim that I have the right of -----

(The type of allegation whether resulting from hypothecation or a license)

The name of the Invention -----

(The name of the Invention)

Pursuant to -----

(Details of the Contract and its date and the persons to whom it is issued and means of proving
the allegation)

As a proof of that, I attach therewith ----- with an authenticated copy therefrom.
(Type of document)

My address in the Kingdom is -----

Signature -----

(The Capacity of the signer is stated therewith)

Form No. (7)

**Application for Recording or Inserting the Court's Decision in the
Patents' Register**

I -----

(The full name and address of the Applicant(s))

Attach herewith a copy of the Court's Decision about -----

(The content of the Decision)

(State the Patentee or Agent)

Form No. (8)

Applications of the Patentee in General Whether Regarding the
Registration Application, Extensions, Renewals, Remuneration,
Notifications, Correction of Errors, Changes of Address, Temporary
Protection, Other Similar Matters

The Application -----

Pursuant to Article -----

Patent No ----- In the name -----

I ----- (The name and address)

Request -----

(The type of Application with regards to the aforementioned Article)

I shall also attach a fee of a total -----

(The Patentee or Agent)

Date: -----/ -----/ -----

Annex 3

Comments by Jay re the Patents Forms

**Form No. (1) The Patent
An Affidavit of Acquisition of an Invention**

To be submitted in one copy.

I -----

(Name, Address and Nationality of the Applicant (s))

testify under oath that I **have** acquired an Invention called -----
(the **title** of the Invention)

for which a patent is sought,

And that -----

(the name(s) of the Inventor(s))

believe that he/she/they is/are the original, first and sole inventor(s) of the above-mentioned invention. Further, I believe that the said invention has not been disclosed to the public, or that if it has been disclosed, such disclosure took place in accordance with the provisions of Article (3)(A)(2) of Patent Law No. 32 of 1999.

Written in ----- (Day) of ----- (Month) of ----- (Year)

This oath has been taken by ----- mentioned above in front of me,
a person duly authorized to administer oaths.

Written in ----- (Day) of ----- (Month) of ----- (Year)

Name and title of person administering the oath [SEE NOTE 2, BELOW.]

NOTES: 1. THIS AFFIDAVIT DOES NOT COVER THE SITUATION WHERE THE INVENTOR IS ALSO THE APPLICANT. THEREFORE ANOTHER VERSION OF THE AFFIDAVIT MUST BE PROVIDED THAT SAYS:

I/WE.....TESTIFY UNDER OATH THAT I/WE AM/ARE THE RIGHTFUL OWNER(S) OF AN INVENTION CALLED.... FOR WHICH A PATENT IS SOUGHT. I/WE BELIEVE THAT I/WE ARE THE ORIGINAL, FIRST AND SOLE INVENTOR(S) OF THE ABOVE-MENTIONED INVENTION, AND THAT THE SAID INVENTION HAS NOT BEEN DISCLOSED TO THE PUBLIC, OR THAT IF IT HAS

BEEN DISCLOSED, SUCH DISCLOSURE TOOK PLACE IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE (3)(A)(2) OF PATENT LAW NO 32 OF 1999.

2. THIS DECLARATION RAISES PROBLEMS FOR NON-JORDANIAN APPLICANTS BECAUSE ONLY JORDANIANS OR THOSE RESIDENT IN JORDAN HAVE ACCESS TO THE CONCILIATION COURT. THEREFORE, I HAVE CHANGED THE FORM SO THAT ANY PERSON ENTITLED TO ADMINISTER OATHS CAN SIGN. IF FOR JORDANIANS, THIS MEANS ONLY A JUDGE OF THE CONCILIATION COURT, THEN A NOTE TO THAT EFFECT SHOULD BE ADDED TO THE FORM. AN ALTERNATIVE SOLUTION WOULD BE TO REQUIRE A DECLARATION INSTEAD OF AN OATH SINCE A DECLARATION GENERALLY DOES NOT REQUIRE SOMEONE TO ADMINISTER IT WHILE AN OATH DOES.

Form No. (2)
Patent APPLICATION

To be submitted in [] two copies.

- 10- **Full name and address of the Applicant(s) for the patent, including his/her title, commercial name if applicable, nationality, [] and country of residence.** Where the Applicant is a company or a legal entity, its name **or official designation, and complete address []**.

- 11- **If the applicant is not the inventor,** the name of the Inventor(s), [], **full address, including country of residence,** and nationality.

- 12- **Title of Invention and the technical field to which the invention belongs.**

- 13- The Applicant's Agent for submitting the Application and proceeding with related procedures, and address thereof.

- 14- **Address for correspondence** to which all communications and documents pertaining to the Applicant **should be sent. Also indicate the telephone and/or facsimile numbers.**

“Data Related to Jordanians Only”

NOTE: I SEE NO REASON WHY QUESTIONS 1 to 6 SHOULD FORM PART OF THE PATENT APPLICATION. IF THE INFORMATION FROM THESE QUESTIONS ABOUT JORDANIAN PATENT APPLICANTS IS DESIRED FOR STATISTICAL OR INFORMATION PURPOSES, THE QUESTIONS SHOULD BE PART OF A SEPARATE FORM OR INQUIRY THAT DOES NOT CONSTITUTE PART OF THE PATENT APPLICATION. ASKING SPECIAL QUESTIONS ONLY TO JORDANIANS VIOLATES THE PRINCIPLE OF NATIONAL TREATMENT.

- 7- Age -----

- 8- Qualification -----
- 9- Place of Work -----
- 10- Have you ever registered other Inventions -----
- 11- State the number of the Patent or the number of Application and the year -----

- 12- Which of these Patents have been used -----

ALL THE ABOVE SHOULD BE DELETED.

- 15- Where the **invention that is the subject of this Application was the subject of an earlier application filed outside the Kingdom**, the name of the foreign country in which the first patent application was filed, the filing date of the earlier application, the number of the earlier application, and the name of the applicant, if different, on whose behalf the earlier application was filed. A copy of the earlier application must be attached to this one or filed with the Office within three months of filing this application. If the earlier application is in a language other than Arabic, an Arabic translation of the application must also be filed.

- 16- Where the Applicant has **displayed the invention at an official or officially recongized international exhibition**, the name of the exhibition where such Invention was displayed, and the place and official opening date of the exhibition.

- 17- Where the Application is **for a patent of addition**, state the number of the parent parent or parent application and the date of grant of the parent patent or date of filing of the parent application

- 18- Any illustrative particulars required by the Law **NOTE: EITHER SPECIFIC EXAMPLES NEED TO BE PROVIDED, OR THIS PROVISIONS SHOULD BE DELETED. I HAVE NO IDEA WHAT SORT OF INFORMATION IS CONTEMPLATED BY THIS QUESTION.**

Check List.

This application contains the following additional numbers of sheets:

Detailed description	_____
Claim or claims	_____
Drawings	_____
Brief Summary Description	_____
Total:	_____

This application is accompanied by the items marked below:

Earlier filed application	_____
Arabic translation of the earlier filed application	_____
Power of attorney	_____
Certificate of temporary protection	_____
Fee Payment	_____
Other (specify)	_____

Signature of Applicant or Agent:

Statement of the Attachments to the Patent Application

11- Detailed Description of the Invention. The application must be accompanied by a detailed description of the invention and the best mode of carrying out the invention known to the inventor. The detailed description must explain the invention along with the process of making and using it in full, clear, concise, and exact terms. It should distinguish the invention from other inventions and from what is old, and describe completely the product or process invented. It is required that the detailed description be specific so that any person of ordinary skill in the pertinent art, science, or area could make or use the invention without extensive experimentation. Each element in the drawings should be mentioned in the detailed description.

12- Claim or Claims. The claim or claims must particularly point out and delineate the subject matter which you regard as the invention. The claims define the scope of the protection of the patent. Whether a patent will be granted is determined, in large, measure, by the choice of wording of the claims.

A patent application must contain at least one claim. The claims must be clear and concise, and they must be fully supported by the description. If there are several claims, they must be numbered consecutively with the least restrictive claim presented first. One or more claims may be presented in dependent form, referring back to and further limiting another claim or claims in the same application.

13- Drawings. Drawings must be submitted when they are necessary for the understanding of the invention, and they may be submitted whenever the applicant believes they contribute to the understanding of the invention. The drawings should contain as many figures as may be necessary to adequately show the invention. They may include perspective views, exploded views, sectional and

cross-sectional views, and details on a different scale. They may also include diagrams and graphic representations of a given phenomenon.

The drawings should be grouped together on one or more A4-sized sheets, and must not be included in the description or claims. They should not contain text matter, except a single word or words when necessary, and any numbers, letters, or other reference symbols must be presented in a simple and clear manner. The scale of the drawings should be such that all the essential features can be clearly distinguished. In addition, the drawings should be presented in black and white, the only exception being when color is necessary in order to understand the drawings. Photographs in lieu of drawings are generally not acceptable.

- 14- Summary description. The summary description, also referred to as the abstract, consists of a brief summary of the disclosure as contained in the detailed description, the claims, and any drawings. The summary description must be as concise as the description permits (generally no more than a paragraph in length), and must be so drafted that it can efficiently serve as a scanning tool for the purposes of searching in the particular art. The summary description should be primarily related to what is new in the art to which the invention pertains and should not contain statements on the alleged value or merits of the claimed invention or on its speculative application.
- 15- [].
- 16- [].
- 17- **If applicable, a certificate issued for the temporary protection of an invention that was exhibited at an international exhibition.**
- 18- **If the application involves a claim of priority, a complete copy of the earlier filed foreign Application, including the description, claims and any drawings. If the application does not indicate the date of filing in the foreign country, a certificate issued by the authority in the foreign country showing the date of filing must be included. In the alternative, the earlier filed application and certificate of date of filing, if needed, may be filed within three months of the filing of the application in Jordan, provided that the appropriate form for such purpose (Form No. ???) is attached to the application. The invention that forms the subject matter of the earlier filed foreign application must be the same as the invention that forms the subject matter of the application in Jordan.**
- NOTE: UNDER THE PARIS CONVENTION AND NEW WIPO PATENT LAW TREATY, IT IS INAPPROPRIATE TO ASK FOR AUTHENTICATION OF THE FOREIGN APPLICATION. ONLY A CERTIFICATE OF DATE OF FILING IS PERMITTED. IN ADDITION, THE FORM FOR A 3-MONTH EXTENSION NEEDS TO BE PREPARED, UNLESS FORM 8 IS INTENDED FOR THIS PURPOSE.*
- 19- A translation into Arabic of the priority documents where the original documents were submitted in a language other than Arabic.

20- []

21- A duly authenticated power of attorney if the application was submitted by the **applicant's** agent.

Form No. (3)
Opposition to Granting a Patent

To be submitted in two copies.

I -----

(full name and address)

Attest that I oppose **the** granting **of a** Patent to Application No. -----

----- submitted by ----- on the basis of the following

reasons: -----

Notifications in the Kingdom shall be sent to **me at the** following address: -----

Date

Signature

Form No. (4)

Application for Acquiring a RECEIPT upon
Payment of ANNUAL Fees [IT IS NOT A RENEWAL FEE; IT IS
MORE A MAINTENANCE FEE, PAID ANNUALLY]

NOTES: 1. WILL THIS FORM AUTOMATICALLY BE SENT TO PATENTEES WHEN THE
FEES ARE DUE? IF NOT, ARE PATENTEES EXPECTED TO FIRST REQUEST THE FORM
AND THEN PAY THE FEE? WHAT IF A PATENTEE PAYS THE FEE WITHOUT THE
FORM?

2. HAVE THE FEES BEEN DETERMINED YET?

I -----

Hereby enclose the **annual** fee for **maintaining in force** Patent No. ----- dated -----
----- for another -[WILL PATENTEES BE GIVEN THE CHOICE OF PAYING
SEVERAL ANNUAL FEES AT ONCE? OTHERWISE, THE LENGTH OF TIME—ONE YEAR—
SHOULD BE FILLED IN.]-----.

I kindly request the communication of notifications to the Patentee's following address:

Name :

Address:

Signature:

The Part stated hereunder is completed at the Patent Registrar's Office

A receipt of Payment of Renewal Fees

Patent No ----- **dated** -----

I hereby testify that -----

has paid on this day -----of (Month) ----- of (year) -----
the designated fee of ----- for a period of **-[see note above]**.

Hence, the rights of the Patentee shall be **maintained in force for the aforesaid
period.**

Form No. (5)

Application for Recording a Right in the Patent Register

NOTE: IS THIS FORM FOR RECORDING A CHANGE IN OWNERSHIP OF A PATENT? IF SO, THE TITLE OF THE FORM SHOULD SO INDICATE. IF NOT, I DO NOT THINK THIS FORM IS NECESSARY. THE REGISTRAR IS REQUIRED TO REGISTER THE PATENT GRANT. NO APPLICATION SHOULD BE NECESSARY.

I -----

Kindly request that my name is recorded in the Patents' Register as the Owner of the

Patent "or a partner thereof" in the Patent No. ----- dated in -----
and authorized to ----- and known as -----

(The name of the Invention)

I allege that I have the right to be granted this Patent pursuant to -----

(Details of the documents and their dates and the persons to whom they are issued and means
of proving the allegation)

As a proof of that, I attach therewith ----- with an authenticated copy therefrom.
(Type of document)

My address in the Kingdom is -----

Signature -----

(The Capacity of the signer is stated therewith)

Form No. (6)

**Application for Recording the Contracts of Hypothecation, Licensing
or Seizure in the Patent Register**

I -----

(The full name, address and nationality)

Request to record the following in the Patents' Register.

Nature of the information to be recorded: _____

The basis of my right to have the aforesaid information recorded is as follows:

(For example, "I am the contractual licensee.")

Number and date of grant of the patent: _____

The title of the Invention -----

Pursuant to -----

(Details of the Contract and its date and the persons to whom it is issued [].)

As a proof of that, I attach therewith **a copy of** ----- **certified as correct.**
(nature of document)

My address, or the address of my agent, in the Kingdom is -----

Signature -----

(The Capacity of the signer is stated therewith)

Form No. (7)

Application for Recording or Inserting a Court Decision in the Patent Register

I -----

(The full name and address of the Applicant(s))

Attach herewith a copy of the Court's Decision **in the matter of (name of the case)**--

(Brief statement of the content of the Decision and the reason why it should be inserted in the register)

(Relationship of the Applicant to the decision and the patent)

(Name and address of the Patentee or Agent)

Signature

Date

**NOTE: IF THE FINAL DECISION OF THE COURT IS TO STRIKE A
PATENT FROM THE REGISTER, HOW DOES THE APPLICANT
COMMUNICATE THIS INFORMATION TO THE OFFICE SO THE
OFFICE CAN TAKE APPROPRIATE ACTION?**

Form No. (8)

**Applications of the Patentee in General Whether Regarding the
Registration Application, Extensions, Renewals, Remuneration,
Notifications, Correction of Errors, Changes of Address, Temporary
Protection, Other Similar Matters**

Nature of this Application -----

Pursuant to Article -----

Patent No ----- In the name -----

I ----- (The name and address)

Request -----

(The type of Application with regards to the aforementioned Article)

I have hereby attached the appropriate fee in the amount of -----

(The Patentee or Agent)

Date: -----/ -----/ -----

**NOTE: A LIST OF THE RELEVANT FEES SHOULD BE ATTACHED TO THIS
APPLICATION SO THAT THE PATENTEE KNOWS THE APPROPRIATE FEE TO
PAY.**

Annex 4

Original Version of the Industrial Designs Forms

Form No. (1)

Industrial Design/ Industrial Model

“To be submitted on three Copies”

- Kindly register the Industrial Design/ Model attached therewith under Class -----

19- Name of Applicant of the Industrial Design/ Model, his/her title, commercial name if found, nationality, occupation, place of residency. Where the Applicant is a company or an entity, its name, address, type, purposes and address of its headquarters.

20- Capacity of the Applicant: Inventor(s) of the Industrial Design/ Model

Universal Successor
Singular Successor
Employer
Other

21- Designation and brief description of uses that indicates the subject matter of the Industrial Design/ Model.

22- The Applicant’s Agent for submitting the Application and proceeding with related procedures, and address thereof.

23- Designated Place of Residency to which all communications and documents pertaining to the Applicant are sent.

Date:

Note: This Application shall be accompanied with three copies of the Industrial Design/ Model.

- 24- Where this Application has been previously submitted in a foreign country, the name of this country and the date of submission along with a statement of whether the Applicant wishes to claim Priority or not.

- 25- Where the Applicant has acquired a Certificate of Temporary Protection as provided for in the Law on industrial Designs/ Models, the name of the exhibition where such design/ model is displayed, the official opening day of the exhibition and the information pertaining to such certificate.

- 26- Any illustrative particulars required by the Law or the Registrar: (including a statement of whether a specimen of the Industrial Design/ Model has been submitted).

Name :

Signature :

Date :

Form No. (3)
An Application submitted Pursuant to Article (11)
Of the regulation on Industrial Designs/ models

I Kindly request your approval to grant me a grace period of ----- (not exceeding 60 days as of the date of submitting the Application)

So as to provide you with the following information: -----

Or:

So as to conduct the amendments required from your behalf pertaining to: -----

In relation to the Application submitted from our behalf -----

(Name and capacity of the Applicant)

Bearing the number -----

I shall hereby attest to submitting all required information within the prescribed period or I shall be deemed as to have abandoned the Application.

Name :

Signature :

Address :

Date :

Form No. (3)
Opposition to Granting an Industrial Design/ model

Two copies of the Opposition are attached therewith

I -----

(The full name and address)

Attest that I oppose to granting the Industrial Design/ Model pursuant to the
Application No. ----- submitted by ----- on the
basis of the following reasons: -----

Notifications in the Kingdom shall be sent to my following address: -----

Date :

Signature :

Form No. (4)
(A joint Application Submitted by the Owner of the Registered
Design/ Model and the Transferee or the Mortgagor or the
Licensee... etc, In Order to Register the Name of the Transferee in
the Industrial Designs/ Models Register)

We -----

(The name of the Owner of the Registered Industrial Design/ Model)

From -----(His/her address), and -----
----- (Name and nationality of Transferee) from-----

Kindly request of you to register the following pursuant to Articles (14,15,16) of the Law on Industrial Designs and Models.

Name -----
(Name of the Transferee)

Who conducts his/her business at ----- (address of business)
in the industrial Designs/ Models Register as the Owner of the Industrial Design/
Model No. ----- of class -----

(Details of the Contract, if found, shall be provided hereunder)

Written today ----- of (Month) ----- of the Year 2000.

Signature of the Owner of the Registered Design:

Signature of the Transferee :

Caution: the contract by which the transfer of ownership or any hypothecation thereof.. etc
shall be attached to this Application along with the original Registration Certificate.

Form No. (5)
Copies of the industrial Designs/ Models Certificates
Application for Obtaining a Certificate from the Registrar Pertaining
to any Records thereof Pursuant to Article (30) of the Regulation

I -----

(The name of the Applicant (s))

Wish to acquire a Certificate pertaining to the Industrial Design/ Model No -----

----- regarding -----

(The Subject Matter of the Certificate)

pursuant to Article (30) of the Regulation on Industrial Designs and Models.

I shall hereby submit the legal fees and request the admission of the following address
in the Register to receive notifications thereon. -----

Signature of Applicant(s) or Agent(s):

Form No. (6)
Application for Obtaining a Second Copy for the Lost or Ruined
Certificate of An industrial Design/ Model

I -----
(The name of the Applicant (s))

Wish to obtain a second copy of the Certificate of Ownership of an Industrial Design/
Model due to the loss/ ruining of the first Certificate No. -----
pursuant to Article (31) of the Regulation on Industrial Designs and models. I shall
hereby submit the required legal fees, and request the admission of the following
address in the Register to receive notifications thereon. -----

-----.

Signature of Applicant(s) or Agent(s):

Form No. (7)
Prior Approval Certificate

The Industrial Design/ Model No. -----

At Class -----

By the Name -----

In reference to your request dated ----- regarding the registration of an
Industrial design/ Model (-----) for -----

Pursuant to the provisions of Article (9)/ Paragraph (a) of the Law on Industrial
Designs and Models No. (14) of the year 2000, I hereby decide to grant you prior
approval to your request for registering the Industrial Design/ Model specified above
as of -----, and shall give such the following number -----
and for which the legal fees and the fees for publication and announcement in the
Official Gazette are collected.

Form No. (8)

I -----

(The name of the Applicant (s))

Pursuant to Article (12) of the Law on Industrial Designs and Models, I shall also claim that I am the Owner of the Design/ Model -----, whereby this

Design/ Model shall be used for: -----

(The name of the Industrial Design/ Model and a brief description thereof, its drawings, classification, and its related products)

And whereas I would like to participate in the Official/ Officially Recognized

Exhibition at -----

(The name of the Country/ City and the name of the Exhibition)

I hereby would like to obtain a Certificate of Temporary Protection for the Industrial Design/ Model referred to above.

Petitioner :

Date :

Form No. (9)
Temporary protection Certificate Regarding Display at
Official Exhibitions

Having read Article (12) of the Law on Industrial Designs and Models No. () of the year 2000, and the Regulation on Industrial Designs and Models issued pursuant to the Law, and the Application No. ----- Dated -----and the documents related thereto.

We hereby decide

Granting a Temporary Protection Certificate of No. -----

For the Applicant -----

Whose Address -----

And nationality -----

For the industrial Design/ Model by the name of -----

For the following products which he/she would like to display -----

Name of the Exhibition -----

Date of Opening -----

At ----- (The name of the City and Country) for a period of (6) months as of the date of opening of the Exhibition.

Written in -----

Registrar of Industrial Design and Models

Form No. (10)
Other Applications

Application for -----

Submitted pursuant to Article -----

Regarding the Industrial Design/ Model/ Application Form No. -----

----- By the name of -----

I -----

(The name and address)

Request -----

(The request pertaining to the aforementioned Article)

I shall also attach the following fee -----

(The name of the owner/ agent of the Industrial Design/ Model)

Date: -----/-----/-----

Signature:

Address :

Annex 5

Jay's Comments on the Industrial Designs Forms

Form No. (1)
Industrial Design/ Industrial Model

To be submitted in three Copies

- Kindly register the Industrial Design/ Model attached therewith under Class -----

[A copy of the classification of industrial designs and models is attached to this application.] OR [A copy of the classification of industrial designs and models may be found in.....]

27- **Full name and address of the Applicant(s) for the registration** of the Industrial Design/ Model, **including** his/her title, commercial name if **applicable**, nationality, ☐ **and** place of residency. Where the Applicant is a company or a **legal** entity, its name **or official designation, and complete** address ☐.

28- Capacity of the Applicant(s): **(Circle or underline the appropriate response)**

Creator(s) of the Industrial Design/ Model

Universal Successor

Singular Successor **[NOTE: I DO NOT**

UNDERSTAND THE DIFFERENCE BETWEEN A UNIVERSAL AND A SINGULAR SUCCESSOR.]

Employer

Other (please indicate)

If the applicant(s) is not the creator, please indicate the full name of the creator(s), if appropriate:

29- Designation of the usual generic name of the article in which the industrial design/model is incorporated. _____

30- Brief description of the characteristic features or elements of the industrial design/model, including the color if applicable. The description should not disclose technical features or possible uses of the article that is the subject matter of the industrial design/model.

Number of industrial designs/models included in the application (an application may include more than one design/model, provided that they all relate to the same class): _____

31- The Applicant's Agent for submitting the Application and proceeding with related procedures, and address thereof, **if applicable. Attach a power of attorney if the application is not signed by the applicant.**

32- Designated Place of Residency to which all communications and documents pertaining to the Applicant **should be** sent.

Date:

Note: This Application shall be accompanied with three **copies of a drawing or photograph** of the Industrial Design/ Model. **The drawings should be submitted on white, opaque paper and no drawing or photograph should exceed the size of a sheet of A4 paper. It is of utmost importance that the drawings or photographs be clear and complete, and that nothing with regard to the design/model to be registered is left to conjecture. If a single drawing or photograph is not sufficient to completely disclose the appearance of the design/model, multiple drawings or photographs containing a sufficient number of views should be submitted. Those views may include, if appropriate, front, rear, right and left sides, top and bottom, and perspective.**

33- Where an application for the registration of an industrial design/model that is **the subject of this application** has been previously submitted in a foreign country **with which the Kingdom is bound by an international treaty for the protection of industrial property and the Applicant wishes to claim the priority of that application**, the name of the country and the date **and number** of the application along with a **declaration that** the Applicant wishes to claim Priority.

- 34- Where the Applicant has **displayed the industrial design/model at an official or officially recognized international exhibition**, the name of the exhibition where such design/ model **was** displayed, and **the place** and official opening **date** of the exhibition [].

- 35- Any illustrative particulars required by the Law or the Registrar: (including a statement of whether a specimen of the Industrial Design/ Model has been submitted).

Name :

Signature :

Date :

Form No. (2 ?)
An Application submitted Pursuant to Article (11)
Of the regulation on Industrial Designs/ models

*I kindly request your approval **for the** grant of a grace period of ----- (not exceeding 60 days as of the date of submitting the Application)*

So as to provide you with the following information: -----

Or:

So as to conduct the amendments required **on** your behalf pertaining to: -----

In relation to the Application submitted **on** behalf of -----
(Name [] of the Applicant)

Bearing the number -----

I hereby **agree** to submit all required information within the prescribed period **and understand that failure to do so shall** be deemed to **constitute abandonment** of the Application.

Name :

Signature :

Address :

Date :

Form No. (3)
Opposition to Granting an Industrial Design/ model

To be submitted in two copies.

I -----

(Full name and address)

Attest that I oppose **the registration of the** Industrial Design/ Model **that is the subject of**

Application No. ----- submitted by ----- on the

basis of the following reasons: -----

Notifications in the Kingdom shall be sent to me **at the** following address: -----

Date :

Signature :

Form No. (4)
(A joint Application Submitted by the Owner of the Registered
Design/ Model and the Transferee or the Mortgagor or the
Licensee... etc, In Order to Register the Name of the Transferee in
the Industrial Designs/ Models Register)

We -----

(The name of the Owner of the Registered Industrial Design/ Model)

From -----(His/her address), and -----
----- (Name and nationality of Transferee, **Mortgager, or Licensee**) from-----
-----(**address**)

Kindly request of you to register the following **in the industrial Designs/ Models Register** pursuant to Articles (14), (15), and (16) of the Law on Industrial Designs and Models.

Name -----
(Name of the Transferee, **Mortgagor, or Licensee**)

Who **resides** at ----- (address ☐)
as the Owner____/ **Mortgagor**____/ or **Licensee**____ (check the appropriate
designation)

of the Industrial Design/Model No. ----- of class -----

(Details of the Contract, if **appropriate, may** be provided hereunder)

Written today ----- of (Month) ----- of the Year_____.

Signature of the Owner of the Registered Design:

Signature of the Transferee, Mortgagor, or Licensee:

☐

NOTE: I BELIEVE THE PROVISION OF THE REGULATION TO WHICH THIS FORM APPLIES HAS BEEN DELETED FROM THE REGULATION. THIS FORM IS THEREFORE NO LONGER APPLICABLE. [JE]

Form No. (5)
Copies of the industrial Designs/ Models Certificates
Application for Obtaining a Certificate from the Registrar Pertaining
to any Records thereof Pursuant to Article (30) of the Regulation

I -----

(The name of the Applicant (s))

Wish to acquire a Certificate pertaining to the Industrial Design/ Model No -----

----- regarding -----

(The Subject Matter of the Certificate)

pursuant to Article (30) of the Regulation on Industrial Designs and Models.

I shall hereby submit the legal fees and request the admission of the following address
in the Register to receive notifications thereon. -----

Signature of Applicant(s) or Agent(s):

Form No. (6)
Application for Obtaining a Duplicate Copy of a Lost or Destroyed
Certificate of Registration of an Industrial Design/ Model

I/We -----
(The name of the Applicant (s))

hereby request a duplicate copy of the Certificate of Ownership of an Industrial Design/ Model due to the loss/**destruction** of the first Certificate No. -----

pursuant to Article (31) of the Regulation on Industrial Designs and Models. I ☐
hereby submit the required legal fee, and request that **the duplicate certificate be sent to the following address:** [admission of the following
address in the Register to receive notifications thereon.] -----
-

-----.

Signature of Applicant(s) or Agent(s):

NOTE: I CANNOT TELL FROM THE FORM WHETHER IT IS ALSO SUPPOSED TO PERTAIN TO REGISTERING A CHANGE OF ADDRESS IN ACCORDANCE WITH ARTICLE 31 OF MY COPY OF THE REGULATION. I BELIEVE A SEPARATE FORM WOULD BE REQUIRED FOR THAT PURPOSE.

Form No. (7)
Prior Approval Certificate

The Industrial Design/ Model No. **[IS THIS THE APPLICATION NUMBER?]**-----

In Class -----

Name of applicant -----

In reference to your request dated ----- **to register**

Industrial design/ Model (-----) for -----

Pursuant to the provisions of Article (9)/ Paragraph (a) of the Law on Industrial Designs and Models No. (14) of the year 2000, **I have the pleasure to inform you that I have granted preliminary** approval to your request **to** register the Industrial Design/ Model specified above

on -----, and **have given your Design/Model the** the following number -----

Following the payment of the legal fee in the amount of and the publication fee in the amount of....., a notice of preliminary approval of your application will be posted in the Official Gazette and your application will be subjected to opposition proceedings. Please note that failure to pay the fees in a timely fashion will be considered to constitute abandonment of your application.

Form No. (8)
Application for Certificate of Temporary Protection

I -----
(The name of the Applicant (s))

Pursuant to Article (12) of the Law on Industrial Designs and Models, [] I am the
Owner of the Design/ Model No. -----, for: -----

(The **generic names or descriptions** of the **article(s) in which the** Industrial Design/ Model
is incorporated and which are intended to be displayed.)

And whereas I would like to participate in the Official/ Officially Recognized
Exhibition at -----
(The name of the Country/ City and the name of the Exhibition)

I hereby would like to obtain a Certificate of Temporary Protection for the Industrial
Design/ Model referred to above.

Petitioner :

Date :

Form No. (9)
Temporary protection Certificate Regarding Display at
Official Exhibitions

In accordance with Article (12) of the Law on Industrial Designs and Models No. () of the year 2000, and the Regulation on Industrial Designs and Models issued pursuant to the Law, and **with respect to Industrial Design/Model No.** -----
- Dated -----and the documents related thereto.

We hereby decide

To grant a Temporary Protection Certificate, bearing the No. -----

For the Applicant -----

Whose Address **is**-----

And nationality -----

For the industrial Design/ Model **No.** -----

For the following products which he/she would like to display -----

Name of the Exhibition -----

Date of Opening -----

At ----- (The name of the City and Country) for a period
of (6) months as of the date of opening of the Exhibition.

Written in -----

Registrar of Industrial Design and Models

Form No. (10)
Other Applications

Application for -----

Submitted pursuant to Article -----

Regarding the Industrial Design/ Model/ Application Form No. -----

----- By the name of -----

I -----

(The name and address)

Request -----

(The request pertaining to the aforementioned Article)

I **hereby** attach the following fee -----

(The name of the owner/ agent of the Industrial Design/ Model)

Date: -----/-----/-----

Signature:

Address :

Annex 6

PATENT REGULATION NO. () OF THE YEAR 2000

Issued in Accordance to Article (38) of the Patent Law No. (32) of the
Year 1999

Article (1):

This regulation shall be referred to as the “Patent Regulation” of the year 2000 and shall come into effect upon its publication in the Official Gazette.

Article (2): Definitions

The following words and terms, whenever mentioned in this Regulation, shall have the meanings indicated hereunder unless otherwise indicated by context:

The Office : Patent Registrar’s Office.
The Law : Patent Law.

Article (3): Fees

The fees to be paid in accordance with the Law are levied according to the table stated in Annex 1 of this Regulation.

Article (4): Forms

- 1- All forms mentioned in this Regulation shall be submitted according to the texts stated in Annex 2 of this Regulation. These may be amended according to the text decided by the Registrar to apply to all cases.
- 2- All forms shall be submitted in writing to the Registrar. If a provision for the use of a specific form does not exist, such text is presumed to be as much as possible according to the text of Form (9) annexed to this Regulation or any text approved by the Registrar..

Article (5): Size of the Documents

- 1- All documents and their copies that are submitted in accordance with this Regulation should be drafted or typed in Arabic using a computer or a typewriter, unless otherwise indicated, in capital, obvious letters using fixed, dark ink on durable, striped white paper (large size) with a size of approximately 23×21 cm. Only one page of the paper is written or typed on, except the affidavits. A margin with a width of not less than four centimeters is left from the left indent, and the signatures are engraved in a capital, obvious handwriting.
- 2- If requested by the Registrar, two copies or more are submitted.

- 3- An appropriate space is left at the top of the first page of the patent's specifications.

Article (6): Notifying the Documents

Each application, notice or any other document, which the Law or the Regulation permits or requires to be delivered, notified or submitted may be sent to the Office by hand or through the registered mail. In this event, it is considered to be delivered, submitted or notified from the time of its arrival. To prove that the document was sent through the registered mail, it is sufficient for the sender to have addressed the document correctly and that the Registrar, his deputy or the person concerned has signed its receipt.

Article (7): Address for Notification

Each applicant or party opposing any procedures established in accordance with the Law or this Regulation and each patentee must specify an address for his notification in the Kingdom. If he does not reside in the Kingdom, he must specify an address of a person residing in the Kingdom who is duly authorized in a form, which convinces the Registrar. In all the motions related to the patents, this address is considered to be the true address of the applicant, the opposing party or the patentee.

Article (8): Power of Attorney

- 1- Without prejudice to the provisions of Article (84) of this Regulation, every agent, who resides or has a working center in the Kingdom and is duly authorized in a form which convinces the Registrar, may carry out all the correspondence sent to the Registrar in accordance with the Law or this Regulation and may also attend all the interviews related to the patents with the Registrar.
- 2- The Registrar is not obligated to recognize the power of attorney of any person nor to receive his correspondence concerning any motion provided for in the Law or this Regulation if his name has been crossed out from the Patent Register, which is maintained in accordance to the provisions of this Law, and he has not registered his name in the Register after it was crossed out.

Article (9): Application Form

The invention registration application, accompanied by an affidavit, is filed according to Form (1), and two copies of the specifications are attached herewith according to the text of Form (2) annexed to this Regulation.

Article (10): The Application Stipulated in Article (11) of the Law

The heirs of an inventor who dies before filing a registration application may file a registration application according to Form () annexed to this Regulation.

Article (11): Arranging the Registration of Applications

- 1- The registration applications, which are sent through the registered mail, are opened and numbered as much as possible according to the order of their receipt from the post office.
- 2- The applications, which are hand delivered and not through the mail, are numbered according to the date of their incoming to the Office.

Article (12):

- 1- The application shall be limited to only one invention, or a group of interrelated inventions representing one creative concept. The application relating to interrelated inventions shall be submitted on Form () annexed to the Regulation.
- 2- If the application is related to interrelated inventions, the Registrar shall form a committee to study the application and decide whether or not the inventions represent one creative concept, provided that the Registrar takes the committee's decision into account for the purposes of this Article.
- 3- Besides what is stipulated in Paragraph (2) of this Article, if the registration applicant incorporates in the specifications more than one invention, before the issuance of the patent, the Registrar may request or permit the applicant to amend the application, those specifications, graphic illustrations or any of them so that they apply to one invention only.
- 4- The applicant may submit an application for granting of a patent for any invention excluded from the application due to the amendments that have occurred.

Article (13):

The following documents are attached to the application:

- 22- A detailed description of the invention, starting with the name of the inventor, taking into account the following:
 - One- Determining the technical field related to the invention.
 - Two- Demonstrating the technical background that the applicant is aware of, which is useful to understanding and examining the invention.
 - Three- Disclosing the invention in words that allow for understanding it in a clear and complete manner to enable a person skilled in the art to evaluate and carry out the invention, in addition to mentioning the beneficial effects of the invention, if found.
 - Four- Briefly describing the figures stated in the drawings, if found.
 - Five- Explaining the best mode for carrying out the invention known to the inventor, provided that examples are given when necessary with reference to the drawings, if found.
 - Six- Stating clearly the method of industrially carrying out the invention and the method of manufacturing and using it or, accordingly, just the method of use and the results reached, backed by examples and statistics, when possible.
 - Seven- Stating clearly and in details the new specifications that require protection, which are specified in the application.
- 23- The drawings especially for the invention shall be submitted when necessary to comprehend the invention. It may also be submitted when the property of the invention allows for it to be graphically illustrated even though it is not necessary to comprehend the invention.
- 24- The application shall include a brief summary description of the invention and new elements for which protection is sought for purposes of publication in the Official Gazette in approximately (200) words. The summary should be clear,

brief and separate from the specifications, provided that it specifically constitutes of the following:

- One- The name of the inventor and the registration applicant if different from the inventor, and the addresses of each.
- Two- A summary of what is disclosed in the specifications, the elements of protection and the graphic illustrations related to the invention. It should also indicate the technical field to which the invention belongs, and should be drafted in a manner that permits the formulation of a clear concept of the technical problem and the essence of resolving this problem through the invention, in addition to the essential uses of the invention.
- Three- If necessary, the chemical text that best distinguishes the invention in comparison to all other texts stated in the application.
- Four- The best graphic illustration provided by the applicant.
- 25- A certificate for the registration of the company or establishment or, if the applicant is a corporate body, an official excerpt of the articles of association.
- 26- If the patent applicant is not the inventor, the document that indicates the priority of the applicant.
- 27- A duly authenticated power of attorney if the application was submitted by the agent.
- 28- If the application involves the claim to the priority in the registration of an application previously submitted in a country with which the Kingdom is bound by an international treaty for the protection of industrial property according to Article (10) of the Law, a copy of the previous application and the attached documents with a certificate that indicates the date, number and country of deposition.
- 29- A certificate issued for the temporary protection of inventions displayed in official exhibitions, if found.

If all the documents submitted in accordance to this Regulation were drafted in English, they must be accompanied by a translation in Arabic. If they were drafted in any other language, they must be accompanied by a translation in Arabic and English.

The documents referred to in Subparagraphs (1), (2) and (3) must be attached to the application.

As for the other documents, when not attached to the application, the applicant may present a written commitment on Form () to provide whatever is necessary within sixty days of the date of submitting the application. If he fails to do so, then the application will be considered to be non-existent. Except for the document stated in Subparagraph (7), not submitting it when necessary during that period results in the abatement of the applicant's priority claim, and is so indicated in the applications register thereto that the application is be considered non-existent or the abatement of the applicant's priority claim, upon the decision of the Registrar.

Article (14)

The following should be taken into account in the submitted graphic illustrations:

- 1- Preparing the drawings in fixed, dense, dark and clear lines, provided that they are symmetrically thick and well defined without the need for coloring.
- 2- Vertically drawing the figures with respect to the drawing paper.
- 3- Clearly writing the letters and numbers used in indicating parts of the drawing, and using the same letters and numbers in different places in the drawing. In the event that these letters and numbers are written outside the figure, then they should be connected in thin lines with the parts they indicate.

- 4- In the event that more than one figure is drawn on one paper, enough space should be left between each figure, and the figures should be given consecutive numbers.

Article (15)

The Registrar may request the applicant or allow him to provide samples of the products related to chemical patents, food, medical drugs and pharmaceutical products. In this event, the applicant must provide the requested samples, draft a list of them, and annex it to the patent's specifications and summary.

Article (16)

The samples stipulated in Article (15) of this Regulation are provided in a bottle not higher than (8cm) with an outer diameter of (4cm). It should be tightly closed and sealed with red wax. A label is adhered to the samples, indicating the relation between them and the product mentioned in the description of the invention.

Article (17)

If the invention is related to a coloring material a sample of which is provided in accordance to the provisions of Articles (15) and (16) of this Regulation, the sample must be accompanied by specimen of products printed or dyed with this material, provided that these specimen should be - as much as possible – flat and affixed on labels (33cm in height and 21cm in width), written on them a detailed indication of the printing or dyeing process, especially what is related to the composition of the different acidic solutions, the level of their concentration, the temperature, the period of each process and the extent of the color's absorbency in the dye's acids. Moreover, the label shall indicate the rate of the coloring material fixed on the dyed fabrics and the composition of the printing dough. The label shall also carry a statement indicating the relation between the material used in the printing or dyeing and what was mentioned about it in the invention's specifications.

Article (18)

Besides the previous cases, the Registrar may request the applicant, when necessary, to provide with samples or specimen according to the certain conditions he stipulates. However, in all cases, if the samples contain poisonous, caustic, flammable or explosive material, it must be stated on the label affixed thereto.

Article (19): The Registrar's Authority in Postponing the Date

If the Registrar finds that Subsequent to receiving any part of the specifications the invention's feature is neither clear nor explained enough and he had requested for the amendment of the specifications and the graphic illustrations or any of them, the application is dated by the date of the illustrations or the amendments, provided that the period granted for the applicant to conduct these illustrations and amendments does not exceed sixty days from the date of his being so notified by the Registrar.

Article (20): The Application for Amending the Specifications in accordance with Article (12) of the Law

The applicant may submit an application for the amendment of the invention's specifications according to Form (9) annexed to this Regulation, attached thereto is a duly authenticated copy of the new and previous specifications clearly and obviously

indicating the intended amendment within the period specified by the Registrar. The application is dated with the date of the amendments.

Examining the Patent Application

Article (21):

According to what is stipulated in Articles (24) and (25) of this Regulation, the Registrar examines the application and its attachments in order to verify the following:

- 1- The application is submitted by the right owner of the invention.
- 2- The application is submitted after fulfilling the conditions stipulated in Articles (5), (13) and (14) of this Regulation.
- 3- The provided samples and specimen or those requested to be provided have fulfilled the conditions stipulated in Articles (15), (16), (17) and (18) of this Regulation.
- 4- The invention is not considered one of the inventions stipulated in Article (4) of the Law.
- 5- The invention is new according to what is stipulated in Paragraph (a) of Article (3) of the Law.
- 6- The invention involves an inventive step, of which reaching is not obvious to a skilled person in the art familiar with the prior state of the technology related to the patent.
- 7- The invention is capable of industrial application according to what is stipulated in Paragraph (c) of Article (3) of the Law.
- 8- The inventive elements for which protection is sought are indicated in the application in a determined manner and clearly explained in the description and graphic illustrations according to what is stipulated in Paragraph (a) of Article (8) of the Law.
- 9- The priority sought is compliant with the provisions of the Law and the agreement, which ties the Kingdom with the country in which the prior application was filed.

Article (22):

- One- The applicant may request the correction of printing or mathematical errors in the application or the description.
- Two- The correction that is mentioned in Paragraph (a) of this Article does not occur until the required fee is paid and the Registrar approves it.

Article (23):

For purposes of the examination, the Registrar may, whenever necessary, seek the scientific expertise available at any national or foreign body within or outside the Kingdom.

Article (24):

The Registrar examines the applications registered with him from a formal aspect. If, as a result of the examination, some of the conditions stated in the Law or this Regulation are not fulfilled, a notification is sent to the applicant through the registered mail in which he is requested to conduct the necessary to fulfill the application within a maximum of ninety days from the date of receipt of the above-mentioned notification. If what was requested of him was not performed within that

period, the application is considered to be non-existent and is so indicated in the Patent Register upon the decision of the Registrar.

Article (25):

If the application is found to have fulfilled its formal conditions and requirements, the Registrar evaluates the necessary charges for the substantive examination of the application upon an evaluation study of these charges. A notification is then sent to the applicant through the registered mail requesting him to pay these charges within sixty days from the date of receipt of this notification. When paid within that period, the application is referred to the substantive examination. If not paid within that period, the application is considered to be non-existent and is so indicated in the application register upon the decision of the Registrar.

Studying the Patent Application

Article (26):

As a result of the examination, if the application is found not to have fulfilled the conditions stipulated in the Law and this Regulation, the Registrar shall issue a justified decision rejecting the application, and the decision is notified to the applicant through the registered mail.

Article (27):

One- As a result of the examination, if the application is found to have fulfilled the formal and substantive conditions and requirements stipulated in the Law and this Regulation, the Registrar shall issue a decision approving the application, and the applicant is granted preliminary approval and is notified through a registered letter, requesting him to pay the publication fees within sixty days from the date of receipt of this notification, otherwise his application will be considered non-existent. If the publication fees are not paid within that period, the application is considered to be non-existent and is so indicated in the Patent Register upon the decision of the Registrar.

Two- If the publication fees are paid, the Registrar publishes a notice of the preliminary approval in the Official Gazette within ninety days from the date of payment, provided that the notice contains the summary stated in Paragraph (3) of Article (13) of this Regulation, in addition to any other relevant illustrations or statements decided by the Registrar.

Article (28): Acquainting the Public

Subsequent to approving the application according to what is stipulated in this Regulation, the public shall be allowed to become acquainted with the application and the specifications with the graphic illustrations, if found, for a specific fee

Article (29):

One- If no opposition is submitted against the registration of the invention, or if the opposition is denied, the Registrar shall issue a decision granting the patent, subsequent to collecting the required fees in Annex () of this Regulation. The patent is recorded in the Register and is duly presented to the inventor or his agent.

Two- The patent must include the following statements:

- 1- Number of the application and its filing date.
- 2- Number and date of the decision to grant the patent.

- 3- Number of recording the patent in the Register.
- 4- Date of issuance of the patent.
- 5- Statement of payment of fees.
- 6- Name of inventor.
- 7- Name, nationality and address of patentee.
- 8- Name of patent.
- 9- Patent classification.
- 10- Protection period and date of its commencement and termination.
- 11- In the event that the patent was based on the priority, number and date of the priority application and the country in which it was filed.
- 12- Number of the original patent and the date when the protection ends if the application is related to the additional patent stipulated in Article (18) of the Law.

Article (30) Notifying the Opposition

The opposition against the registration of the invention shall be submitted according to Form (3) annexed to this Regulation with the required fee, provided that the reason or reasons for the opposition are mentioned. The opposition is signed by the opposing party or his agent and a two-copy pleading is attached indicating in details the opposing party's right, the facts and reasons on which he has built his opposition and application. The Registrar sends a copy of the notification and the opposition pleading to the registration applicant.

Article (31) Response to the Opposition

If the applicant wishes to respond to the opposition, he must deposit at the Office within thirty days of receiving the opposition pleading or at any other time permitted by the Registrar a two-copy defense pleading consisting of detailed reasons responding to the opposition, a copy of which is notified to the opposing person.

Article (32) Evidence of the Opposing Party

The opposing party may deposit at the Office within thirty days of receiving a copy of the defense pleading or at any other time permitted by the Registrar evidence in the form of affidavits and any other documents supporting his case, copies of which are notified to the applicant.

Article (33) Evidence of the Registration Applicant

The registration applicant may deposit at the Office, within thirty days of receiving a copy of the evidence and the attached documents stipulated in Article (32) of this Regulation or within thirty days of the termination of the period allowed for the opposing party to submit his evidence and the evidence is not submitted or at any other time permitted by the Registrar, affidavits and any other attached documents supporting his case, copies of which are notified to the opposing party. The opposing party may deposit at the Office affidavits and any other attached documents responding to the application within thirty days of receiving that copy or at any other time permitted by the Registrar, provided that the applicant is notified a copy thereto. The latter affidavits and the attached documents shall be limited to matters related only to the response.

Article (34) Hearing the Case

- 1- The Registrar appoints a date for hearing the case upon the conclusion of the evidence, if it existed, or at any other time he deems appropriate. The two parties are given a period of not less than fifteen days of the appointed date.
- 2- Each party must inform the Registrar whether or not he wishes to present his case within the specified period in Paragraph (1) of this Article.
- 3- The Registrar may refuse to permit the party, who did not notify him prior to the appointed date, to present his case.
- 4- Subsequent to presenting their case or the party who wanted to present his case or his final argument, the Registrar settles the case. If none of the parties wishes to present his case, the Registrar may settle the case and notifies them of his decision in both cases.

Article (35) Text of the Patent

The patent is drafted in the text decided by the Registrar according to the required form.

Article (36): Annual Renewal Fees

As long as the patentee is benefiting from the legal protection, he must pay the annual renewal fees stipulated in Annex () of this Regulation every year. In the event that the fees are not paid on that date, the period is extended for six months, provided that it is paid double. If he still has not paid them within this period, the Registrar shall announce the termination of his patent right and shall cross it according to the provisions of Article () of this Regulation.

Article (37): Issuance of Certificate for the Payment of the Fees

The Registrar shall duly issue a certificate for the patentee of the fees paid. The date of payment and granting of the certificate are recorded in the Register.

Article (38): Registration of the Granting of the Patent

Subsequent to the issuance of the decision granting the patent, the Registrar shall incorporate in the Patent Register the name, address, and nationality of the patentee, the invention's name, the patent's date, the granting date and the notification address.

Article (39): Change of Address

If a change occurs in the name, address or notification address of the patentee, he must send a notice to the Registrar according to Form (9) annexed to this Regulation. Subsequent to payment of the required fees, the Registrar will order the incorporation of those changes in the Registrar and the publication of a notice thereof in the Official Gazette on the expense of the patentee.

Article (40): Registration Application for the Transfer of the Patent

If a person becomes the owner of a patent through a transfer, assignment, transfer of ownership or any other legal means, or has a right in it through hypothecation or license of its use, he should submit an application to register his name in the Register as the patentee or partner in the patent or to indicate in the registration his right according to the text of Form (6) or (7) annexed to this Regulation.

Article (41): Presenting the Ownership Documents and the Remaining Documents

A document relating to the right to be fixed in the Register or to be considered as evidence of such should be attached to the application mentioned in Article (40) of this Regulation. The Registrar may request any other evidence that proves the ownership or presenting the approval of the patentee in a convincing manner.

Article (42): Recording the Notification of the Document

An application for the registration of any document affecting the ownership, which is not stipulated in this Regulation, shall be submitted according to the text of Form (9) annexed to this Regulation. Attached to the application is a duly authenticated true copy of the document.

Article (43): Correction of Writing Errors

An application for the correction of any writing errors in the applications submitted in accordance to the Law or this Regulation or in the patent, specifications or any record in the Patent Register shall be submitted on Form (9) annexed to this Regulation. The Registrar may, upon his own discretion, make the correction.

Article (44): Certificates and Authenticated Copies

- 1- An application requesting a certificate from the Registrar in relation to any record or matter permissible by the Law or this Regulation shall be submitted on Form (9) annexed to this Regulation.
- 2- The Registrar may issue authenticated copies for each record of the Register's records or of any patent, invention's specifications, statements, affidavits or any other documents maintained in his possession, subsequent to paying the required fee.

Article (45): Lost Patents

If a patent is lost or ruined, an application for a second copy of the patent shall be submitted according to the text of Form (9) annexed to this Regulation

Article (46): Temporary Protection of Inventions Displayed at Exhibitions

If the person involved wishes to acquire temporary protection of the invention for the products displayed at any exhibition held in the Kingdom or abroad according to Article (20) of the Law, and which might be subject of a patent, he must submit, prior to the exhibition, an application on Form (9), accompanied by a brief statement of the description of the invention and its drawing and a statement of the products it involves. The Registrar may request the applicant to submit any other statement he deems necessary.

Article (47):

The Registrar shall prepare a register for the temporary protection in which he records the applications in consecutive numbers, provided that it contains the following information:

- 1- Number of the application.
- 2- Date of filing the application.
- 3- Name, nationality, place of residence and address of the applicant.
- 4- Name and address of the agent.

- 5- Chosen place in the Kingdom for receiving the notifications.
- 6- Exhibition and opening date.
- 7- Name of the invention and a statement of the products it involves.
- 8- Date of entering the products in the exhibition.
- 9- Number and date of the certificate of temporary protection and the protection period.

Article (48):

Without prejudice to the provisions of the agreements and treaties to which the Kingdom is a party, the Registrar grants the applicant – after validating the entrance of the products in the exhibition – a certificate of temporary protection on Form (). This certificate shall ensure the applicant the rights in accordance to Paragraph (a) of Article (13) of the Law for a period not exceeding six months from the date of commencement of the exhibition.

Article (49): The Optional Authorities of the Registrar

- One- Prior to using any optional authority granted by the Law or this Regulation, the Registrar, if so requested, allow the party affected by this authority to defend himself.
- Two- The applicant must notify the Registrar in writing if he wishes to present his case within ten days of receiving a notification of it in the registered mail from the Registrar or within any other period determined by the Registrar.

Article (50): Notifying the Parties of the Decision

When the Registrar makes a decision pursuant to the optional authorities granted to him in accordance to the provisions of this Regulation, he must notify his decisions to the registration applicant or the patentee and any party interested or effected by such a decision that comes to the Registrar's knowledge upon making that decision.

Article (51): Affidavit Text

- 1- Any affidavits submitted pursuant to this Regulation or used in any procedures therefrom shall commence by stating all matters related thereof, and shall be in the direct speech, and divided into consecutive paragraphs, each one relating to one subject only.
- 2- Each affidavit shall state the description of the person drafting it and his actual place of residence. Each affidavit shall be written or typed on a typewriter or a computer and shall include the name and address of the person submitting it and the person who submitted such affidavit on his behalf.

Article (52): Mode of Submitting the Affidavits and to Whom

Affidavits are drafted and signed according to the following:

- 1- If inside the Kingdom, at the Notary Public or the Judge of the Court of Conciliation;
- 2- If outside the Kingdom, at the Notary Public, any one acting in his place or any judge, provided that they are certified by the competent political authorities.

Article (53): The Authority to Extend the Periods:

Besides what was stipulated in Article (36) of this Regulation, if deemed appropriate, the Registrar may extend the periods specified in this Regulation to conducting or undertaking any actions or procedures.

Article (54): Excluded days

If the Office was closed at the last day specified in the Law or this Regulation to undertaking any action, such action may be undertaken on the day when the office is open.

Article (55): Decisions of the Courts:

If the court issued a decision for the termination or nullification of a patent, or any decision that affects the validity or the ownership of a patent or any rights resulting therefrom, the judgement beneficiary shall submit an official copy of the said judgement on Form No. (8) accompanied by the required fee for purposes of implementing the Court's decision and recording it in the Register.

Article (56): Mandatory Licensing:

- 1- In case one of the conditions stipulated in Article (22) of the Law is fulfilled, any natural or juridical person whether private or public may submit an application to the Minister of Industry and Trade to acquire a license to exploit an invention without the consent of the patentee in accordance to the procedures stated in Article (59) of this Regulation.
- 2- The Minister shall not grant any licenses without the consent of the patentee in cases other than the ones provided for in the Law. In particular, no license shall be granted without the consent of the patentee of the sub-patent, which the licensee cannot exploit without infringing such.
- 3- For the purposes of implementing the provisions of Paragraph (b) of Article (22) of the Law, importing patented products to the Kingdom in commercial quantities and reasonable prices shall be deemed as exploitation of a patent. Where the patentee is able to prove such, the Minister shall not grant licenses without his consent regarding such patent.

Article (57):

- 1- Mandatory licensing shall entitle the licensee to initiate some or all of the rights granted by the Law to the patentee in accordance with the conditions and purposes of the license.
- 2- The licensee shall also have the right to initiate civil and criminal actions and procedures that are accorded to the patentee to protect and exploit his invention, in case the patentee neglects to initiate such rights despite his notification or knowledge of any unfair action being taken against his patent.

Article (58):

The provisions of mandatory licensing may include obligations and restrictions on both the licensor and the licensee of a mandatory licensing.

Article (59):

The mandatory licensing application shall be submitted to the Ministry of Industry and Trade in the form of a petition directed from the applicant against the patentee. The Minister shall thereafter issue a decision to reject the licensing application or to grant the licensing in addition to defining its conditions and scope, and determining the remuneration to be paid by the applicant to the patentee. The Minister shall notify his decision to all the relevant parties and such decision shall be published in the Patent Register and the Official Gazette after the applicant has paid the specified fee.

Such decision shall not be effective against third parties unless after publication in the Official Gazette.

Article (60):

- 1- Mandatory licensing shall not be transferred or assigned to third parties unless approved by the Minister, otherwise such action shall be void. The provisions of Articles (59) and (62) of this Regulation shall apply to the transfer and assignment.
- 2- Any person granted a mandatory licensing should not grant sub-licenses.

Article (61):

- 1- The Minister may, upon justified request of the patentee or the licensee, amend any of the mandatory licensing conditions. In particular, the request shall be justified if the patentee granted the licensee a contractual licensing in better conditions than the mandatory licensing.
- 2- The Minister may, upon his own initiative or request of the Patentee, decide to cancel the mandatory licensing if the licensee did not abide by the conditions of licensing or if reasons for granting it no longer exist. In such an event, the licensee shall be given a reasonable time to suspend the exploitation of the patent if immediate suspension incurs him significant damages.

Article (62):

Mandatory licensing and all pertinent matters thereof and decisions issued therefrom shall be recorded in the Patent Register and shall be published in the Official Gazette after paying the required fees annexed to this Regulation.

Contractual Licenses

Article (63):

A patentee may grant licenses to any natural or juridical person to use or exploit the right under protection, provided that the duration of the license does not exceed that of the protection stipulated in accordance with the provisions of this Law. The licensing contract shall be in writing and signed by the parties.

Article (64):

The licensing contract shall be recorded in the Patent Register against the specified fee. The license shall not be effective against third parties until after publication in the Official Gazette. The record shall be crossed out upon the request of the parties of the licensing contract, upon its revocation, in accordance to nullifying court judgement, or due to the lapse of its duration.

Article (65):

The contractual license shall not prevent the patentee from exploiting or using the patent himself, or from granting third parties other licenses, unless the licensing contract provides otherwise.

Article (66):

Unless the licensing contract stipulates otherwise, the licensee shall have the right to use and exploit the licensed patent in all territories of the Kingdom throughout the term of protection in all aspects and means. The licensee shall also have the right to

utilize all rights enjoyed by the patentee, which prevents infringement, threat or injury. The licensee shall notify the patentee through a registered letter of the infringement, threat or injury thereof. If the patentee neglects or slacken in undertaking the necessary measures within thirty days from the date of notification, the licensee shall have the right to undertake the legal and judicial measures and to claim compensation for the damages incurred from the patentee's negligence or slackening or from the actions of third parties.

Article (67):

In cases other than the assignment or transfer fully or partially of the ownership of a commercial store, the licensee cannot assign the license to third parties nor grant licensing subcontracts, unless the licensing contract provides otherwise.

Article (68):

One- Licensing, amendments or renewal thereof shall be recorded in the Patent Register.

Two- Licensing contract, amendments or renewals thereof shall be published in the Official Gazette upon the request of the person concerned upon paying the required publication fee.

Article (69):

One- The Registrar may, in the following cases, approve or disapprove to record the licensing contract or to mark any amendments or renewals therefrom, according to public interest justifications:

- 1- If the subject matter of the contract is an invention for which a patent should not be granted for any of the reasons provided for in Article (4) of this Law.*
- 2- If the duration and renewals of the contract exceed the term of protection granted to the patent.*
- 3- If the subject matter of the contract is an invention that may be locally provided.*
- 4- If the contract limits the licensee's activities in research or development, or limits his right in export, in a matter that conflict with the best interest of the Kingdom, or if such contract prevents the licensee from acquiring and utilizing supplementary inventions from other sources.*
- 5- If the contract imposes restrictions on the licensee in relation to the volume of production or the sale price whether to domestic or foreign markets.*
- 6- If the contract provides for retrieving the invention's documents that were communicated to the licensee pursuant to the contract.*
- 7- If the contract incurs financial obligations that are inadequate to the granted license or if the contract is onus on the national economy.*
- 8- If the contract obligates the licensee to purchase machinery and equipment or spare parts or raw or intermediate materials from the patentee or whom he appoints, which may be acquired from other sources in better conditions.*

Two- The provisions of Article () of this Regulation shall be applied if the Registrar disapproves the contract or the amendment or renewal thereof.

Article (70):

The cancellation of the record of the licensing contract shall be indicated in the Patent Register upon an application by the parties submitted to the Registrar

accompanied by all supporting documents, or upon the Registrar's announcing his final decision in the following cases:

- 1- Lapse of the term of protection.
- 2- Rescission of the contract before the elapse of its term upon the consent of the parties or upon a judicial decision.
- 3- Nullification of the contract pursuant to a judicial decision.

Article (71):

Without prejudice to the provisions of the relevant international agreements to which the Kingdom is a party, if the license contract prevents him from exporting to the Kingdom it shall be prohibited to import products or commodities included in a patent from any person acquiring a license from the patentee, provided that the patentee prior to importation notifies the Customs Department and the Registrar in writing of such. The regulations and instructions related to customs and border measures shall be applied in such cases.

Article (72): Industrial Property Registration Agents

No person may practice the profession of an industrial property registration agent unless was registered at the designated register for this purpose.

Article (73):

a- The applicant for registration in the industrial property registration agent register must be:

- 1- Jordanian.
- 2- Legally competent.
- 3- Not convicted of dishonoring conduct.
- 4- Holding a graduate degree.

b- Jordanian companies specialized in industrial property protection, the headquarters of which is in the Kingdom, may be registered in the agents' register.

Article (74):

Applications for registration along with the evidence of the fulfillment of the conditions provided for in this Regulation shall be submitted to the Registrar who shall record the application in serial numbers according to the date of submission to the Industrial Property Registration Agents' Register. The applicant shall be provided with a receipt that includes the serial number of the application, the date of submission, and a statement of the attached documents thereof.

Article (75):

One- The Registrar shall examine the registration applications and the attached documents, and may also request the applicant to submit any documents and explanations he deems necessary prior to issuing a decision thereof.

Two- Subsequent to verifying the completion of the conditions stipulated in this Regulation, the Registration Committee shall decide to register the applicant's name in the Industrial Property Registration Agents' Register. Such registration shall be valid for one renewable year.

Three- Subsequent to paying the registration fee, registration in the Industrial Property Registration Agents' Register shall be in serial numbers, according to the

date of payment of such fees. Marking the renewal shall be upon paying the renewal fees.

Four- The Registrar shall issue a decision to reject the application if the applicant does not fulfil the required conditions.

Five- The Registrar shall reach a decision concerning the registration applications within a period not exceeding three months from the date of submitting the application and shall notify the applicant of his decision as soon as it is issued through a registered letter accompanied by a receipt.

Six- Any person, whose application has been rejected, may appeal this decision to the Minister within sixty days from the date of the decision's notification.

Article (76):

The Registrar shall publish an annual directory containing the names of all practicing registration agents that are registered in the Industrial Property Registration Agents' Register.

Article (77):

Registration applicants or patentees shall only appoint in front of the Registrar a registration agent registered in the Industrial Property Registration Agents' Register.

Article (78):

Any person registering his name at the Industrial Property Registration Agents' Register at the Registrar must:

- 1- Within thirty days of registering in the register, notify the Registrar through a registered letter of the address of the place or office in which he shall practice the profession and of each change in such address within thirty days of the change thereof.
- 2- Link his name with the registration number in all correspondence and papers issued by him.
- 3- Perform his duties according to the professional standards and the provisions of the Law and this Regulation.

Article (79):

One- The Registrar may, upon his initiative or upon a submitted complaint, conduct an investigation with any person registered in the Industrial Property Registration Agents' Register if such person violated the provisions of the Law or this Regulation or the professional code, or lacked any of the conditions that should be fulfilled in the register, or lacked any of the conditions at the time of Registration.

Two- If the outcome of the investigation proved the violation of the person registered in the Industrial Property Registration Agents' Register, the Registrar shall issue a decision nullifying his registration and shall promptly notify of such through a registered letter accompanied by a receipt.

Three- Any person, whose name has been cancelled from the Industrial Property Registration Agents' Register, may appeal this decision to the Minister within sixty days from the date of the decision's notification.

Article (80):

The name of the deceased agent, the agent whose registration is cancelled, and the name of the agent who requests his name to be crossed out shall be crossed out of the Industrial Property Registration Agents' Register.

Article (81):

- 1- The Registrar shall indicate in the application register the decision of approving or rejecting the application and the date thereof and the date of notifying the applicant of such decision.
- 2- The Registrar shall indicate in the Industrial Property Registration Agents' Register the decisions of canceling or crossing out the registration and the dates thereof.

Article (82):

One- The Registrar shall prepare a register for the applications of the registration agents. Such register shall contain the following data:

- 1- The application's serial number.
- 2- The date of filing the application.
- 3- The name, qualifications, residence and address of the applicant. If the applicant is a company, the name, type, purpose, headquarters shall be provided, as well as the addresses of its branches or offices registered in the Kingdom.
- 4- The decision regarding the application, the date thereof and the date of notifying such.
- 5- The number and the date of registration in the Industrial Property Registration Agents' Register.

Annex 7 : MEMORANDUM - Comments on the Draft Patent Regulations

TO: Farhat Farhat and Salah Bashir cc: Nadia Abu Hishmah
FROM: Jay Erstling
RE: Comments on the Draft Patent
Regulations of Jordan
DATE: May 16, 2000

The following are my comments on the draft Patent Regulations issued in accordance with Article 38 of Patent Law No. 32 of 1999. In general, the regulations are thorough, well conceived, and effective. My comments are intended to help improve the regulations and should not be taken as a criticism of them.

Please note that the copy of the regulations that was sent to me and on which I based my comments did not include the annexes or forms referred to in the regulations. Therefore, my comments are limited to the text of the draft regulations only and do not extend to the annexes or forms. I would be pleased to review the annexes and forms whenever they can be made available.

I look forward to discussing my comments with you and responding to any questions you might have when I am in Amman in June.

Article 5: This provision speaks of filing documents on paper that is approximately 23 x 21 cm. This may be a typographical error, but I am not aware of standard-sized paper of those dimensions. Most regulations speak of filing documents on A4-sized paper, which I believe is 29.7 x 21 cm.

Article 11: (1) This provision tends to give the impression that there are two numbering systems: one for applications delivered by the mail; and one for hand-delivered applications. It might therefore be beneficial to add an opening sentence to the provision stating as follows: "All applications received by the Office will be assigned an application number in consecutive order."

(2) In addition, it might be beneficial to clarify that, except for applications claiming a Paris Convention priority right, the application number determines the priority of the application. For example: "With the exception of applications availing themselves of a priority claim as provided in Article 10 of the Patent Law, the priority of applications will be determined in accordance with their application number."

Article 12: Whenever interrelated inventions are the subject of an application, Article 12(2) requires the Registrar to form a committee to determine whether the inventions form one creative concept. However, the provision provides no guidance as to whom the Registrar should select for the committee, the number to be selected,

whether the individuals selected should serve on a standing basis, and whether the Registrar serves as a member of the committee. Such questions need to be resolved. At the very least, the regulation should provide that the members of the committee have appropriate technical expertise and that the number of committee members be relatively small, perhaps five at most.

Article 13: (1) This provision, while thorough, is somewhat difficult to comprehend because it uses some terms in rather nontraditional ways. In particular, the use of the word "specifications" is confusing, although the problem may simply be one of translation. "Specifications" is used in the provision (and throughout the regulations as well as in Article 8(1) of the Patent Law) to refer to what are usually called "claims" in most patent regulations. The "specification" is usually meant to refer to the part of the application that embodies the description of the invention. "Claims," which usually form the concluding part of the specification, generally refer the specific subject matter that the inventor regards as his or her invention and for which protection is sought.

For example, Section 112 of the US Patent Act provides that "The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out the invention." The accompanying regulation, which is found in Section 1.71 of the Rules of Practice in Patent Cases (37 CFR 1.71) provides as follows: "(a) The specification must include a written description of the invention of discovery and of the manner and process of making and using the same, and is required to be in such full, clear, concise, and exact terms as to enable any person skilled in the art or science to which the invention or discovery appertains, or to with which it is most nearly connected, to make and use the same. (b) The specification must set forth the precise invention for which a patent is solicited, in such manner as to distinguish it from other inventions and from what is old. It must describe completely a specific embodiment of the process, machine, manufacture, composition of matter or improvement invented, and must explain the mode of operation or principle whenever applicable. The best mode contemplated by the inventor of carrying out his invention must be set forth." In addition, the title of the invention, abstract, summary, reference to drawings, and claims are all considered part of the specification.

(2) Although the claims (or what the regulations refer to as the "specifications") are crucial in determining the scope of patent protection granted, there is little guidance in the regulations as to what the claims should contain. Expanding the language of Article 13(1)(7) might therefore be helpful. For example: "The claim should particularly point out and distinctly claim the subject matter the applicant regards as the invention. More than one claim may be provided if the claims differ substantially from one another and are not unduly multiplied. If there is more than one claim, the claims should be numbered consecutively and the least restrictive claim should be presented first. The claim or claims must conform to the invention as set forth in the description and the terms and phrases used in the claims should find clear support or basis in the description so that the meaning of the terms in the claim or claims may be ascertainable by reference to the description."

(3) Consideration should be given to whether applicants, as part of their application, should be required to supply a title for their invention. The purpose of requiring titles for inventions is to aid incataloguing, indexing, and retrieving patent documents.

(4) Article 13(1)(2) and 13(3)(2) require the applicant to identify the technical field to which an invention belongs. It might be helpful to specify that the applicant should identify the technical field in relation to the International Patent Classification (or some other classification to which Jordan subscribes). Requiring a frame of reference for the technical field will help make the terminology used to identify inventions more uniform. This in turn will help facilitate patent examination and patent document retrieval.

(5) Consideration should also be given to whether the regulations should provide a duty to disclose all information relevant to patentability. Such a provision, if deemed desirable, might provide as follows: "A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates all information material to patentability. Registration applicants, and all others associated with the filing of a patent application, have a duty of candor and good faith in all dealings with the Office, including a duty to disclose all information known to be material to patentability. Information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and the information establishes, by itself or in combination with other information, a case of unpatentability of a claim, or it refutes or is inconsistent with a position the applicant takes in asserting an argument of patentability."

(6) I assume the term "text" in Article 13(3)(3) means formula and the term "priority" in Article 13(3)(4)(5) means the right of the applicant to file the application.

Article 14: As drawings are often presented showing different views of the invention, a specific provision authorizing different views may be appropriate. For example: "A drawing may contain as many views as necessary to show the invention. The views may be plain, elevation, section, or perspective views. Detail views of portions of elements may also be used. All views of the drawing must be grouped together and arranged on the paper without wasting space but clearly separated from one another."

Article 20: As I understand this provision, whenever amendments are made to an application, a new application date corresponding to the date of the amendments is assigned. Since this regulation is based on Article 12 of the Patent Law, which only allows amendments that do not essentially modify the invention or the information disclosed in the application, it would seem unnecessary, as well as unduly punitive, to require an applicant who seeks to amend his application to forfeit an earlier filing date.

Article 21: (1) In Article 21(2), it would appear that the conditions stipulated in Article 4 of the Regulations should also be included.

(2) This provision, as well as the provisions of Article 25, require the Office to carry out a full, substantive examination of all patent applications. As the Ministry and Office know so well, substantive examination is a complex task that requires significant infrastructure (search files, technical literature, as well as trained examiners) and support. I assume that an evaluation of the current infrastructure has already been or is being undertaken to determine what elements, if any, need to be strengthened. If not the case, I would strongly recommend that such an evaluation be undertaken.

Article 23: This provision wisely authorizes the Registrar to seek outside expertise in examining applications. With respect, in particular, to expertise provided by bodies outside the Kingdom, it might be worthwhile to consider adding provisions making clear that the expertise provided will, in all cases, be in accordance with the law of the Kingdom, and that the outside bodies are required to respect the confidentiality requirements of the Office. In future, the Office might choose, for example, to carry out patent examinations through international-type searches performed by "international searching authorities" within the context of the Patent Cooperation Treaty (PCT).

Articles 24 and 25: When read in relation to Article 21, these provisions tend to give the impression that every application is subject to two different formal and substantive examinations. A clarifying phrase, such as "with reference to Article 21 of the Regulations," would help.

Article 25: As I understand this provision, the Registrar has leeway to determine the fee for carrying out the substantive examination. Granting the Registrar too much discretion could unduly subject the Registrar to charges of bias. A more judicious approach would be to set either one standard fee for the substantive examination, or proportional fees based on the number of claims.

Article 26: Where applications contain multiple claims, it is possible that the Registrar will reject some claims and accept others. It would therefore seem appropriate to add a provision so stipulating. For example: "Where applications contain multiple claims, if, as a result of the examination, one or more claims are found not to have fulfilled the conditions stipulated in the Law and this Regulation, the Registrar shall issue a justified decision rejecting the specific claim or claims, and will notify the decision to the applicant through the registered mail. The provisions of Article 27 of this Regulation will apply to the claim or claims that have been found to have fulfilled the requirements of the Law."

Article 28: As I understand this provision, the public cannot have access to published patent applications without paying a fee. While it is not uncommon to charge subscription fees for official gazettes or to charge a fee for the right to file an opposition, it would seem to defeat the purpose of opposition if a fee were charged to screen each patent application.

Articles 30 to 33: While the regulations concerning the opposition procedure do an excellent job of ensuring due process for all parties, consideration might be given to streamlining the opposition process somewhat. As I understand the provisions, the opposing party or his agent first notifies the Registrar of his intent to oppose the

patent application (Article 30) and only submits evidence supporting his case following the receipt of the response to the opposition by the applicant for registration (Article 32). An alternative approach would be to require the opposing party to submit all necessary affidavits and documentary evidence along with the form notifying the opposition as required in Article 30. That way, the Registrar can screen the opposition to ensure that it is serious, and the applicant for registration can respond to the opposition not only with a defense pleading as provided in Article 31, but also with all necessary affidavits and documentary evidence as provided in Article 33. A more streamlined opposition procedure of this sort would allow the Registrar to render a decision as much as two months' earlier than now provided, which is important not only for the efficient running of the Office but also for the security of the parties concerned. If a more streamlined approach were adopted, the Registrar should also be given the authority to extend deadlines or permit additional submissions of evidence if justice so required.

Article 34: (1) As I understand this provision, the Registrar alone hears oppositions; however, neither the provision nor the Patent Law are entirely clear on this matter. It might therefore be helpful to add express language to the provision, such as "Opposition hearings will be heard before the Registrar."

(2) Although I believe there is a general right of appeal to the courts from administrative decisions such as the Registrar's decision in an opposition proceeding, it might nevertheless be helpful to expressly state what the right of appeal is.

Article 36: This provision includes the six-month grace period for the late payment of fees required by Article 5*bis* of the Paris Convention. While Article 5*bis* permits countries to demand a surcharge for fees paid within the six-month grace period, I am not sure that a 100% surcharge, as provided by Article 36, falls within the spirit of the Paris Convention. If challenged, it might be found to be unreasonable and punitive.

Article 38: With respect to patentees who are not nationals of Jordan or who do not have domiciles in the Kingdom, consideration should be given also to recording in the Patent Register the name and address of the Jordanian agent.

Article 40: This provision uses the term "partner." I assume that what is meant by the term is a party having an interest in the patent, and that the Arabic original reflects that meaning more precisely.

Article 46: The basis for this provision (as well as Article 20 of the Patent Law) is Article 11 of the Paris Convention, which provides that countries must grant temporary protection for inventions exhibited at "official or officially recognized international exhibitions." The regulation goes well beyond this mandate since it grants temporary protection to products displayed at "any" exhibition. Unless there is a national reason why more expansive temporary protection should be granted, consideration should be given to narrowing the scope of Article 46 so that it reflects more closely the Paris Convention.

Article 49: (1) I presume that the word "optional" in the provision is intended to mean discretionary. If not, I am not sure I understand the provision.

(2) Is the intent of this provision, for example, to give a patent applicant whose application has been denied an additional opportunity to make his case before the Registrar? If that is the intent, doesn't the provision risk placing undue burdens on the Registrar? I presume that there is a right of appeal to the courts from decisions of the Registrar. If so, consideration should be given to whether such a right of appeal would be sufficient to protect the rights of all parties.

Article 55: Does a distinction need to be drawn in this provision between final decisions and provisional or interlocutory decisions of the court, particularly with respect to termination or nullification of patents? Since I am not all that familiar with the Jordanian court system, I do not wish to draw any conclusions, but normally until a final decision is issued in a patent nullification or termination matter, the patent would not be stricken from the register.

Article 60: This provision, which deals with mandatory licensing as authorized by Article 31 of the TRIPs Agreement, is ambiguous, and depending upon its intent and interpretation, may both contradict the Patent Law and violate the Agreement. Assuming the English translation accurately reflects the Arabic, Article 60 of the Regulation states that "Mandatory licensing shall not be transferred or assigned to third parties unless approved by the Minister." In other words, according to the Regulation the Minister may approve the transfer or assignment of licenses to third parties (parties other than the patentee and the licensee). However, Article 23 of the Patent Law states that "The license shall not be capable of assignment." It would seem, therefore, that the Patent Law prohibits the grant of all assignments, whether or not approved by the Minister. In addition, Article 31(e) of the TRIPs Agreement provides that the grant of a license without the authorization of the right holder is "non-assignable, except with that part of the enterprise or goodwill which enjoys such use." The Regulation, however, lacks such qualifying language.

Articles 64 and 68: The provisions of these two articles seem to repeat each other and could probably be combined into one.

Article 67: According to my understanding of this provision, the term "commercial store" is intended to mean enterprise or goodwill. If that is not the case, I am afraid I do not understand the purpose or intent of the provision.

Article 69: My comment concerns the basis for this provision. Although Article 21(b) of the Patent Law gives the patentee the right to conclude license contracts, and Article 25 of the Law arguably authorizes the establishment of licensing regulations, I can find nothing in the Patent Law itself that grants the authority to draft regulations as extensive as those in Article 69. While I believe the provisions of Article 69 are excellent from a substantive point of view, I think it could be argued that they go beyond the scope of the express provisions of the Patent Law. However, Article 40(2) of the TRIPs Agreement, which Jordan signed, gives countries the right to control anti-competitive practices in license contracts. Therefore, the question needs to be considered whether, under Jordanian law, the provisions of Article 69 are appropriate regulatory measures. If the source of authority for Article 69 must be found within the terms of the Patent Law itself (which would be the case in the US), the provision would have to be considered inappropriate. But if the source of authority can come directly from the TRIPs Agreement (as a self-executing agreement), and need not be

found in the Patent Law, then the provision would be legitimate. I am unfortunately not familiar enough with Jordanian law to respond to that question.

Article 73: This provision requires that industrial property registration agents be Jordanian. Since Jordan has signed the General Agreement on Trade in Services (GATS), I assume that this requirement does not violate the Kingdom's Schedule of Specific Commitments under GATS. It should be kept in mind, however, that at some point in the future it is most likely that registration as an industrial property registration agent in Jordan will have to be opened up to non-Jordanians as a condition of WTO membership.

Additional Comments for Future Action: (1) The draft regulations are premised upon the submission of patent applications either in person or by mail. More and more countries, including the US, are permitting the electronic filing of applications and are making access to patent documentation available on the Web. This is an opportune time for the Patent Registrar's Office to begin considering the creation of a patent and trademark website that would provide access to information, permit the retrieval of forms, and facilitate the filing of applications. The US Patent and Trademark Office has an unnecessarily sophisticated website that may nevertheless serve as an example (particularly the site's Electronic Business Center) of how the Internet can simplify and encourage patent transactions. The US Patent and Trademark Office site can be found at www.uspto.gov.

(2) The Kingdom of Jordan has made enormous strides in ensuring that its patent system is in full compliance with international standards. It would now seem an appropriate time for the Kingdom to consider, if it is not already doing so, joining the Patent Cooperation Treaty (PCT). The PCT is an important and useful treaty because it simplifies and streamlines the process by which Jordanian patent applicants may apply for patent protection in PCT member countries, and because it facilitates the filing of patent applications in Jordan by non-Jordanian nationals. Currently at least 108 countries have joined the PCT. Other treaties that Jordan might also wish to consider are the Strasbourg Agreement Concerning the International Patent Classification and the Budapest Treaty on the International Deposit of Microorganisms for the Purpose of Patent Procedure. The three treaties are administered by WIPO.

[End of comments.]

Annex 8

INDUSTRIAL DESIGNS AND MODELS REGULATION NO. () OF THE YEAR 2000 - Issued in Accordance to Article (18) of the Industrial Designs and Models Law - No. () of the Year 1999

Article (1):

This regulation shall be referred to as the “Industrial Designs and Models Regulation” of the year 2000 and shall come into effect 30 days after its publication in the Official Gazette.

Article (2): Definitions

The following words and terms, whenever mentioned in this Regulation, shall have the meanings indicated hereunder unless otherwise indicated by context:

The Office : Industrial Designs and Models Registrar’s Office.
The Law : Industrial Designs and Models Law.

Article (3): Fees

The fees to be paid in accordance with the Law are levied according to the table stated in Annex 1 of this Regulation.

Article (4): Forms

- 3- All forms mentioned in this Regulation shall be submitted according to the texts stated in Annex 2 of this Regulation. These may be amended according to the text decided by the Registrar to apply to all cases.
- 4- All forms shall be submitted in writing to the Registrar. If a provision for the use of a specific form does not exist, such text is presumed to be as much as possible according to the text of Form (9) annexed to this Regulation or any text approved by the Registrar.

Article (5): Size of the Documents

- 4- All documents and their copies that are submitted in accordance with this Regulation should be drafted or typed in Arabic using a computer or a typewriter, unless otherwise indicated, in capital, obvious letters using fixed, dark ink on durable, striped white paper (large size) with a size of approximately 23×21 cm. Only one page of the paper is written or typed on, except the affidavits. A margin with a width of not less than four centimeters is left from the left indent, and the signatures are engraved in a capital, obvious handwriting provided that any instructions issued by the Minister and published in the Official Gazette shall be taken into account.

- 5- If requested by the Registrar, two copies or more are submitted.

Article (6): Notifying the Documents

Each application, notice or any other document, which the Law or the Regulation permits or requires to be delivered, notified or submitted may be sent to the Office by hand or through the registered mail. In this event, it is considered to be delivered, submitted or notified from the time of its arrival. To prove that the document was sent through the registered mail, it is sufficient for the sender to have addressed the document correctly and that the Registrar, his deputy or the person concerned has signed its receipt.

Article (7): Address for Notification

Each applicant or party opposing any procedures established in accordance with the Law or this Regulation and each owner of the industrial design or model must specify an address for his notification in the Kingdom. If he does not reside in the Kingdom, he must specify an address of a person residing in the Kingdom who is duly authorized in a form, which convinces the Registrar. In all the motions related to the industrial designs and models, this address is considered to be the true address of the applicant, the opposing party or the owner.

Article (8): Application Form

The industrial design or model registration application, accompanied by an affidavit, is filed according to Form () annexed to this Regulation.

Article (9): Arranging the Registration of Applications

- 3- The registration applications, which are sent through the registered mail, are opened and numbered as much as possible according to the order of their receipt from the post office.
- 4- The applications, which are hand delivered and not through the mail, are numbered according to the date of their incoming to the Office.

Article 10):

- 5- For the purposes of the Law and this Regulation, goods are classified in the manner specified in Annex () of this Regulation. The class or classes in which the industrial design or model is to be registered shall be explicitly indicated in the application.
- 6- Where a doubt about the class, set, or composition to which any product relates arises, the Registrar shall settle such issue.
- 7- The term “set” or “composition” that is provided for in Paragraph (b) of this Article shall mean the number of items that relate to the same type, and which are sold jointly or intended to be used jointly, to which the same drawing is printed...

Article (11):

The following documents are attached to the application:

- One- Where the industrial design or model is 2 dimensional, 3 copies thereof, and 3 copies of each side where such is 3 dimensional. A sample of the products to

which the industrial design or model is designated shall not replace such copies. However, the Registrar may request such samples in addition to the said copies.

- Two- Official documents that identify the applicant where such applicant is a natural person. Where the applicant is a corporate body, a certificate for the registration of the company or establishment, or an official excerpt of the articles of association as the case may be.
- Three- If the industrial design or model applicant is not the inventor, the document that indicates the priority of the applicant.
- Four- A duly authenticated power of attorney if the application was submitted by the agent.
- Five- If the application involves the claim to the priority in the registration of an application previously submitted in a country with which the Kingdom is bound by an international treaty for the protection of industrial property according to Article (8) of the Law, a copy of the previous application and the attached documents with a certificate that indicates the date, number and country of deposition.
- Six- A certificate issued for the temporary protection of inventions displayed in official exhibitions, if found.

If all the documents submitted in accordance to this Regulation were drafted in English, they must be accompanied by a translation in Arabic. If they were drafted in any other language, they must be accompanied by a translation in Arabic and English.

The documents referred to in Subparagraph (a), must be attached to the application. As for the other documents, when not attached to the application, the applicant may present a written commitment on Form () to provide whatever is necessary within sixty days of the date of submitting the application. If he fails to do so, then he will be deemed to have abandoned the application. Except for the document stated in Subparagraph (e), not submitting it when necessary during that period results in the abatement of the applicant's priority claim, and is so indicated in the applications Register thereto that the application is be considered non-existent or the abatement of the applicant's priority claim as the case may be, upon the decision of the Registrar.

Article (12):

- One- The industrial design or model shall not contain any words, letters or numbers unless they were a significant part thereof.
- Two- The copies of the industrial design or model may be graphical pictures or drawings provided that the size of the copies does not exceed (10cm x 20cm).
- Three- All graphical pictures or drawings are vertically placed over the drawing paper. The drawing paper shall be durable and the size of which is (A4).
- Four- Graphical pictures may be in colors, whereas drawings shall be in black ink.
- Five- In the event that the industrial design or model consists of more than one paper, papers shall be numbered at the middle of the top of each page in consecutive numbers, and shall be indicated whether this paper illustrates a full or front view or otherwise.

Article (13):

The Registrar may request the applicant or allow him to provide samples of the products related to industrial designs or models. In this event, the applicant must provide the requested samples, draft a list of them, and annex it to the application.

Examining the Patent Application

Article (14):

According to what is stipulated in Articles (17) and (18) of this Regulation, the Registrar examines the application and its attachments in order to verify the following:

- 10- The application is submitted by the right owner of the industrial design or model.
- 11- The application is submitted after fulfilling the conditions stipulated in Articles (5), (11) and (12) of this Regulation.
- 12- The industrial design or model is not considered one of the designs or models stipulated in Paragraphs (c), (d) of Article (4) of the Law.
- 13- The industrial design or model is new and independently created according to what is stipulated in Article (4) of the Law.
- 14- The priority sought is compliant with the provisions of the Law and the agreement, which ties the Kingdom with the country in which the prior application was filed.

Article (15):

The applicant may request the correction of printing or mathematical errors in the application or the description.

Article (16):

For purposes of the examination, the Registrar may, whenever necessary, seek the scientific expertise available at any national or foreign body within or outside the Kingdom.

Article (17):

The Registrar examines the applications registered with him from a formal aspect. If, as a result of the examination, some of the conditions stated in the Law or this Regulation are not fulfilled, a notification is sent to the applicant through the registered mail in which he is requested to conduct the necessary to fulfill the application within a maximum of ninety days from the date of receipt of the above-mentioned notification. If what was requested of him was not performed within that period, the application is considered to be non-existent and is so indicated in the Industrial Designs and Models Register upon the decision of the Registrar.

Article (18):

If the application is found to have fulfilled its formal conditions and requirements, the Registrar evaluates the necessary charges for the substantive examination of the application upon an evaluation study of these charges. A notification is then sent to the applicant through the registered mail requesting him to pay these charges within sixty days from the date of receipt of this notification. When paid within that period, the application is referred to the substantive examination. If not paid within that period, the application is considered to be non-existent and is so indicated in the application register upon the decision of the Registrar.

Studying the Industrial Design or Model Application

Article (19):

As a result of the examination, if the application is found not to have fulfilled the conditions stipulated in the Law and this Regulation, the Registrar shall issue a

justified decision rejecting the application, and the decision is notified to the applicant through the registered mail.

Article (20):

Three- As a result of the examination, if the application is found to have fulfilled the formal and substantive conditions and requirements stipulated in the Law and this Regulation, the Registrar shall issue a decision approving the application, and the applicant is granted preliminary approval and is notified through a registered letter, requesting him to pay the publication fees within sixty days from the date of receipt of this notification, otherwise his application will be considered non-existent. If the publication fees are not paid within that period, the application is considered to be non-existent and is so indicated in the Industrial Designs and Models Register upon the decision of the Registrar.

Four- If the publication fees are paid, the Registrar publishes a notice of the preliminary approval in the Official Gazette within ninety days from the date of payment, provided that the notice contains any other relevant illustrations or statements decided by the Registrar.

Article (21): Acquainting the Public

Subsequent to approving the application according to what is stipulated in this Regulation, the public shall be allowed to become acquainted with the application and the specifications with the graphic illustrations, if found, for a specific fee

Article (22):

Three- If no opposition is submitted against the registration of the invention, or if the opposition is denied, the Registrar shall issue a decision granting the patent, subsequent to collecting the required fees in Annex () of this Regulation. The industrial design or model is recorded in the Register and a certificate is duly presented to the inventor or his agent.

Four- The certificate must include the following statements:

- 13- Number of the application and its filing date.
- 14- Number and date of the decision to grant the certificate.
- 15- Number of recording the industrial design or model in the Register.
- 16- Date of issuance of the certificate.
- 17- Statement of payment of fees.
- 18- Name of creator.
- 19- Name, nationality and address of owner of the industrial design or model.
- 20- Name of industrial design or model.
- 21- Industrial design or model classification.
- 22- Protection period and date of its commencement and termination.
- 23- In the event that the patent was based on the priority, number and date of the priority application and the country in which it was filed.

Article (23) Notifying the Opposition

The opposition against the registration of the invention shall be submitted according to Form () annexed to this Regulation with the required fee, provided that the reason or reasons for the opposition are mentioned. The opposition is signed by the opposing party or his agent and a two-copy pleading is attached indicating in details the opposing party's right, the facts and reasons on which he has built his opposition and

application. The Registrar sends a copy of the notification and the opposition pleading to the registration applicant.

Article (24) Response to the Opposition

If the applicant wishes to respond to the opposition, he must deposit at the Office within thirty days of receiving the opposition pleading or at any other time permitted by the Registrar a two-copy defense pleading consisting of detailed reasons responding to the opposition, a copy of which is notified to the opposing person.

Article (25) Evidence of the Opposing Party

The opposing party may deposit at the Office within thirty days of receiving a copy of the defense pleading or at any other time permitted by the Registrar evidence in the form of affidavits and any other documents supporting his case, copies of which are notified to the applicant.

Article (26) Evidence of the Registration Applicant

The registration applicant may deposit at the Office, within thirty days of receiving a copy of the evidence and the attached documents stipulated in Article (25) of this Regulation or within thirty days of the termination of the period allowed for the opposing party to submit his evidence and the evidence is not submitted or at any other time permitted by the Registrar, affidavits and any other attached documents supporting his case, copies of which are notified to the opposing party. The opposing party may deposit at the Office affidavits and any other attached documents responding to the application within thirty days of receiving that copy or at any other time permitted by the Registrar, provided that the applicant is notified a copy thereto. The latter affidavits and the attached documents shall be limited to matters related only to the response.

Article (27) Hearing the Case

- 5- The Registrar appoints a date for hearing the case upon the conclusion of the evidence, if it existed, or at any other time he deems appropriate. The two parties are given a period of not less than fifteen days of the appointed date.
- 6- Each party must inform the Registrar whether or not he wishes to present his case within the specified period in Paragraph (1) of this Article.
- 7- The Registrar may refuse to permit the party, who did not notify him prior to the appointed date, to present his case.
- 8- Subsequent to presenting their case or the party who wanted to present his case or his final argument, the Registrar settles the case. If none of the parties wishes to present his case, the Registrar may settle the case and notifies them of his decision in both cases.

Article (28): Annual Renewal Fees

As long as the owner of the industrial design or model is benefiting from the legal protection, he must pay the annual renewal fees stipulated in Annex () of this Regulation every year. In the event that the fees are not paid on that date, the period is extended for six months, provided that it is paid double. If he still has not paid them within this period, the Registrar shall announce the termination of his industrial design or model right and shall cross it according to the provisions of this Regulation.

Article (29): Issuance of Certificate for the Payment of the Fees

The Registrar shall duly issue a certificate for the owner of the industrial design or model of the fees paid. The date of payment and granting of the certificate are recorded in the Register.

Article (30): Registration of the Granting of the Industrial Design or Model

Subsequent to the issuance of the decision of registration of the industrial design or model, the Registrar shall incorporate in the Industrial Design or Model Register the name, address, and nationality of the owner, the registration date and the notification address.

Article (31): Change of Address

If a change occurs in the name, address or notification address of the owner of the industrial design or model, he must send a notice to the Registrar according to Form () annexed to this Regulation. Subsequent to payment of the required fees, the Registrar will order the incorporation of those changes in the Registrar and the publication of a notice thereof in the Official Gazette on the expense of the owner of the industrial design or model.

Article (32): Registration Application for the Transfer of the Industrial Design or Model

If a person becomes the owner of an industrial design or model through a transfer, assignment, transfer of ownership or any other legal means, or has a right in it through hypothecation or license of its use, he should submit an application to register his name in the Register as the owner or partner in the industrial design or model or to indicate in the registration his right according to the text of Form () or () annexed to this Regulation.

Article (33): Presenting the Ownership Documents and the Remaining Documents

A document relating to the right to be fixed in the Register or to be considered as evidence of such should be attached to the application mentioned in Article (32) of this Regulation. The Registrar may request any other evidence that proves the ownership or presenting the approval of the owner of the industrial design or model in a convincing manner.

Article (34): Recording the Notification of the Document

An application for the registration of any document affecting the ownership, which is not stipulated in this Regulation, shall be submitted according to the text of Form () annexed to this Regulation. Attached to the application is a duly authenticated true copy of the document.

Article (35): Correction of Writing Errors

An application for the correction of any writing errors in the applications submitted in accordance to the Law or this Regulation or in the certificate related to an industrial design or model, specifications or any record in the Patent Register shall be submitted on Form () annexed to this Regulation. The Registrar may, upon his own discretion, make the correction.

Article (36): Certificates and Authenticated Copies

- 3- An application requesting a certificate from the Registrar in relation to any record or matter permissible by the Law or this Regulation shall be submitted on Form () annexed to this Regulation.
- 4- The Registrar may issue authenticated copies for each record of the Register's records or of any industrial design or model's certificate, statements, affidavits or any other documents maintained in his possession, subsequent to paying the required fee.

Article (37): Lost Certificates

If a Certificate is lost or ruined, an application for a second copy of the certificate of ownership of an industrial design or model shall be submitted by relevant parties according to the text of Form () annexed to this Regulation

Article (38): Temporary Protection of Industrial Designs or Models Displayed at Exhibitions

If the person involved wishes to acquire temporary protection of the industrial design or model for the products displayed at any exhibition held in the Kingdom or abroad according to Article (12) of the Law, and which might be subject of registration and protection, he must submit, prior to the exhibition, an application on Form (), accompanied by a brief statement of the description of the industrial design or model and its drawing and a statement of the products it involves. The Registrar may request the applicant to submit any other statement he deems necessary.

Article (39):

The Registrar shall prepare a register for the temporary protection in which he records the applications in consecutive numbers, provided that it contains the following information:

- 10- Number of the application.
- 11- Date of filing the application.
- 12- Name, nationality, place of residence and address of the applicant.
- 13- Name and address of the agent.
- 14- Chosen place in the Kingdom for receiving the notifications.
- 15- Exhibition and opening date.
- 16- Name of the industrial design or model and a statement of the products it involves.
- 17- Date of entering the products in the exhibition.
- 18- Number and date of the certificate of temporary protection and the protection period.

Article (40):

Without prejudice to the provisions of the agreements and treaties to which the Kingdom is a party, the Registrar grants the applicant – after validating the entrance of the products in the exhibition – a certificate of temporary protection on Form (). This certificate shall ensure the applicant the right to exploit the industrial design or model and to undertake any procedures to prove infringement for a period not exceeding six months from the date of commencement of the exhibition.

Article (41): The Optional Authorities of the Registrar

Three- Prior to using any optional authority granted by the Law or this Regulation, the Registrar, if so requested, allow the party affected by this authority to defend himself.

Four- The applicant must notify the Registrar in writing if he wishes to present his case within ten days of receiving a notification of it in the registered mail from the Registrar or within any other period determined by the Registrar.

Article (42): Notifying the Parties of the Decision

When the Registrar makes a decision pursuant to the optional authorities granted to him in accordance to the provisions of this Regulation, he must notify his decisions to the registration applicant or the owner of the industrial design or model and any party interested or effected by such a decision.

Article (43): Affidavit Text

- 3- Any affidavits submitted pursuant to this Regulation or used in any procedures therefrom shall commence by stating all matters related thereof, and shall be in the direct speech, and divided into consecutive paragraphs, each one relating to one subject only.
- 4- Each affidavit shall state the description of the person drafting it and his actual place of residence. Each affidavit shall be written or typed on a typewriter or a computer and shall include the name and address of the person submitting it and the person who submitted such affidavit on his behalf.

Article (44): Mode of Submitting the Affidavits and to Whom

Affidavits are drafted and signed according to the following:

- 3- If inside the Kingdom, at the Notary Public or the Judge of the Court of Conciliation;
- 4- If outside the Kingdom, at the Notary Public, any one acting in his place or any judge, provided that they are certified by the competent political authorities.

Article (45): The Authority to Extend the Periods:

Except what was stipulated in Article (28) of this Regulation, if deemed appropriate, the Registrar may extend the periods specified in this Regulation to conducting or undertaking any actions or procedures.

Article (46): Excluded days

If the Office was closed at the last day specified in the Law or this Regulation to undertaking any action, such action may be undertaken on the day when the office is open.

Article (47): Contractual Licenses

An owner of the industrial design or model may grant licenses to any natural or juridical person to use or exploit the right under protection, provided that the duration of the license does not exceed that of the protection stipulated in accordance with the provisions of this Law. The licensing contract shall be in writing and signed by the parties.

Article (48):

The licensing contract shall be recorded in the Register against the specified fee. The record shall be crossed out upon the request of the parties of the licensing contract, upon its revocation, in accordance to nullifying court judgement, or due to the lapse of its duration.

Article (49):

The contractual license shall not prevent the owner of the industrial design or model from exploiting or using the industrial design or model himself, or from granting third parties other licenses, unless the licensing contract provides otherwise.

Article (50):

Unless the licensing contract stipulates otherwise, the licensee shall have the right to use and exploit the licensed industrial design or model in all territories of the Kingdom throughout the term of protection in all aspects and means. The licensee shall also have the right to utilize all rights enjoyed by the owner of the industrial design or model, which prevents infringement, threat or injury. The licensee shall notify the owner of the industrial design or model through a registered letter of the infringement, threat or injury thereof. If the owner neglects or slacken in undertaking the necessary measures within thirty days from the date of notification, the licensee shall have the right to undertake the legal and judicial measures and to claim compensation for the damages incurred from the owner's negligence or slackening or from the actions of third parties.

Article (51):

In cases other than the assignment or transfer fully or partially of the ownership of a commercial store, the licensee cannot assign the license to third parties nor grant licensing subcontracts, unless the licensing contract provides otherwise.

Article (52):

Three- Licensing, amendments or renewal thereof shall be recorded in the Patent Register.

Four- Licensing contract, amendments or renewals thereof shall be published in the Official Gazette upon the request of the person concerned upon paying the required publication fee.

Article (53):

The Registrar may, in the following cases, approve or disapprove to record the licensing contract or to mark any amendments or renewals therefrom, according to public interest justifications:

- 9- If the subject matter of the contract is an industrial design or model that is not permitted to be registered pursuant to Article (4) of this Law.*
- 10- If the duration and renewals of the contract exceed the term of protection granted to the industrial design or model.*
- 11- If the contract imposes restrictions on the licensee in relation to the volume of production or the sale price whether to domestic or foreign markets.*
- 12- If the contract incurs financial obligations that are inadequate to the granted license or if the contract is onus on the national economy.*
- 13- If the contract obligates the licensee to purchase machinery and equipment or spare parts or raw or intermediate materials from the patentee or whom he appoints, which may be acquired from other sources in better conditions.*

Article (54):

The cancellation of the record of the licensing contract shall be indicated in the Register upon an application by the parties submitted to the Registrar accompanied by all supporting documents, or upon the Registrar's announcing his final decision in the following cases:

- 4- Lapse of the term of protection.
- 5- Rescission of the contract before the elapse of its term upon the consent of the parties or upon a judicial decision.
- 6- Nullification of the contract pursuant to a judicial decision.

Article (55): Industrial Property Registration Agents

No person may practice the profession of an industrial property registration agent unless was registered at the designated register for this purpose.

Article (56):

a- The applicant for registration in the industrial property registration agent register must be:

- 5- Jordanian.
- 6- Legally competent.
- 7- Not convicted of dishonoring conduct.
- 8- Holding a graduate degree.

b- Jordanian companies specialized in industrial property protection, the headquarters of which is in the Kingdom, may be registered in the agents' register.

Article (57):

Applications for registration along with the evidence of the fulfillment of the conditions provided for in this Regulation shall be submitted to the Registrar who shall record the application in serial numbers according to the date of submission to the Industrial Property Registration Agents' Register. The applicant shall be provided with a receipt that includes the serial number of the application, the date of submission, and a statement of the attached documents thereof.

Article (58):

Seven- The Registrar shall examine the registration applications and the attached documents, and may also request the applicant to submit any documents and explanations he deems necessary prior to issuing a decision thereof.

Eight- Subsequent to verifying the completion of the conditions stipulated in this Regulation, the Registrar shall decide to register the applicant's name in the Industrial Property Registration Agents' Register. Such registration shall be valid for one renewable year.

Nine- Subsequent to paying the registration fee, registration in the Industrial Property Registration Agents' Register shall be in serial numbers, according to the date of payment of such fees. Marking the renewal shall be upon paying the renewal fees.

Ten- The Registrar shall issue a decision to reject the application if the applicant does not fulfil the required conditions.

Eleven- The Registrar shall reach a decision concerning the registration applications within a period not exceeding three months from the date of submitting the application and shall notify the applicant of his decision as soon as it is issued through a registered letter accompanied by a receipt.

Twelve- Any person, whose application has been rejected, may appeal this decision to the Minister within sixty days from the date of the decision's notification.

Article (59):

The Registrar shall publish an annual directory containing the names of all practicing registration agents that are registered in the Industrial Property Registration Agents' Register.

Article (60):

Registration applicants or owner of the industrial design or model shall only appoint in front of the Registrar a registration agent registered in the Industrial Property Registration Agents' Register.

Article (61):

Any person registering his name at the Industrial Property Registration Agents' Register at the Registrar must:

- 1- Within thirty days of registering in the register, notify the Registrar through a registered letter of the address of the place or office in which he shall practice the profession and of each change in such address within thirty days of the change thereof.
- 4- Link his name with the registration number in all correspondence and papers issued by him.
- 5- Perform his duties according to the professional standards and the provisions of the Law and this Regulation.

Article (62):

Four- The Registrar may, upon his initiative or upon a submitted complaint, conduct an investigation with any person registered in the Industrial Property Registration Agents' Register if such person violated the provisions of the Law or this Regulation or the professional code, or lacked any of the conditions that should be fulfilled in the register, or lacked any of the conditions at the time of Registration.

Five- If the outcome of the investigation proved the violation of the person registered in the Industrial Property Registration Agents' Register, the Registrar shall issue a decision nullifying his registration and shall promptly notify of such through a registered letter accompanied by a receipt.

Six- Any person, whose name has been cancelled from the Industrial Property Registration Agents' Register, may appeal this decision to the Minister within sixty days from the date of the decision's notification.

Article (63):

The name of the deceased agent, the agent whose registration is cancelled, and the name of the agent who requests his name to be crossed out shall be crossed out of the Industrial Property Registration Agents' Register.

Article (64):

- 3- The Registrar shall indicate in the application register the decision of approving or rejecting the application and the date thereof and the date of notifying the applicant of such decision.
- 4- The Registrar shall indicate in the Industrial Property Registration Agents' Register the decisions of canceling or crossing out the registration and the dates thereof.

Article (65):

Two- The Registrar shall prepare a register for the applications of the registration agents. Such register shall contain the following data:

- 6- The application's serial number.
- 7- The date of filing the application.
- 8- The name, qualifications, residence and address of the applicant. If the applicant is a company, the name, type, purpose, headquarters shall be provided, as well as the addresses of its branches or offices registered in the Kingdom.
- 9- The decision regarding the application, the date thereof and the date of notifying such.
- 10- The number and the date of registration in the Industrial Property Registration Agents' Register.

Annex 9: MEMORANDUM - Comments on the Draft Industrial Design Regulation

TO: Farhat Farhat, Brian O'Shea, and cc: Nadia Abu Hishmah
Salah Bashir
FROM: Jay Erstling
RE: Comments on the Draft Industrial
Design Regulation of Jordan
DATE: June 9, 2000

The following are my comments on the draft Industrial Designs and Models Regulation No. () of the Year 2000 Issued in Accordance with Article (18) of the Industrial Designs and Models Law of 1999. As the provisions of the draft Industrial Designs and Models Regulation often parallel those of the draft Patent Regulation, my comments on the Patent Regulation should be considered applicable also to the Industrial Designs and Models Regulation. The purpose of my comments is to help clarify and improve the regulations and should not be interpreted as undue criticism of them.

Please note that the copy of the regulation on which I based my comments did not include the annexes or forms referred to in the document. My comments are therefore limited to the text of the draft regulation only and do not extend to the annexes or forms. I would be pleased to review the annexes and forms whenever they can be made available.

I look forward to discussing my comments with you and responding to any questions you might have.

Article 5: As I mentioned in my comments on the Patent Regulation, it is typical to required standard-sized paper, usually of A4 size.

Article 7: I overlooked the following issue when I reviewed the draft Patent Regulation but believe it is worth raising. Both sets of regulations require that applicants not residing in the Kingdom provide an address for notification of a person residing in the Kingdom authorized "in a form which convinces the Registrar." The provision does not stipulate what sort of form or proof is necessary, however. For example, would a statement signed by the person residing in the Kingdom suffice? Since I would assume that there is established practice in Jordan for providing such addresses, it would be helpful if the regulations specified what that practice was.

Article 9: As I stated in my patent comments, the wording of this provision tends to give the impression that there are two numbering systems, one for applications delivered by mail, and one for hand-delivered applications. A statement clarifying

that “All applications received by the Office will be assigned an application number in consecutive order” might therefore be helpful.

Article 10: (1) The first paragraph of this provision refers to a classification specified in an Annex to the Regulation. Does such a classification already exist in the Kingdom? If so, will that classification be continued or will another take its place? And if not, has a classification been established yet? If the terms of the classification have not yet been determined, consideration should be given to adopting the international classification of industrial designs established by the Locarno Agreement, a treaty administered by WIPO. Even if a different classification were adopted, it would seem helpful to establish a concordance list matching the Kingdom’s classification with the Locarno classification.

(2) The second and third paragraphs refer to the term “set or composition.” Because the meaning of that term is not immediately apparent, it would be helpful if the third paragraph of the provision specified that the items making up the set or composition must possess the same design features. Otherwise, a series of the same types of products that were sold jointly but nevertheless contained very different design elements could be included in the same application.

Article 11: (1) This provision concerns the documents that must be attached to an application. I believe the first paragraph refers to the drawings or illustrations of the design that must be attached; however, the text does not so specify and therefore could give rise to confusion. In addition, the paragraph authorizes the Registrar to request samples of the covered product, but it provides no clarity as to the circumstances under which the Registrar should do so. For example, should the Registrar demand samples to determine whether or not a design element is functional, or to ensure that a design is new, or to assist in examining the application when the drawings are not sufficiently clear? As the answers to those questions are not readily apparent from the regulation, additional specificity should perhaps be provided.

(2) It is likely that the following is simply a problem of translation, but I have no idea what is meant by the term “official documents” that identify the applicant when the applicant is a natural person. As an American, I would think of attaching a copy of my social security card, birth certificate, or passport, but I could not be sure that any of those documents are what is intended by the term, nor would I understand the relevance of the requirement. Again, therefore, more specificity would seem necessary.

(3) In the third paragraph, the provision should refer to the “designer” and not the “inventor.”

(4) The provision requires the filing of both Arabic and English translations where the original application was drafted in a third language. Unless the Kingdom publishes the applications in the gazette in both Arabic and English, maintains the register in both languages, or intends to use the assistance of English-language application examiners, I do not readily see the justification for demanding an English-language translation.

(5) The provision permits an applicant to submit his or her application in installments (certain documents with the application and the rest within sixty days). While such a provision is extremely generous, it could lead to unnecessary inefficiencies in the administration of the Office and raises questions concerning the determination of the filing date in accordance with Article 7 of the Law.

Article 13: See my comments on the first paragraph of Article 11.

Article 14: (1) With respect to the formal examination of applications, the provision should add the requirement of ensuring that the appropriate application form was used in accordance with Article 8, in addition to verifying that the application fulfills the conditions specified in Articles 5, 11, and 12 of the Regulations. Moreover, while the following should not be a ground for rejecting an application, the examination should also include a check to verify that the class proposed is the appropriate one.

(2) The provision provides for the substantive examination of applications. Although the Law permits the registration of industrial designs only if they are new, independently created, and not dictated by technical or functional considerations (Article 4 of the Law), I would strongly recommend that this determination be made on the basis of opposition proceedings and not on the basis of a substantive examination. In other words, I would firmly suggest that the Office not attempt to engage in substantive examination of applications (at least not at this time). The determination of worldwide novelty requires an extensive set of documentation that the Office probably does not possess as well as the resources of personnel that could probably be better used elsewhere. It is not unusual for a nation to grant industrial design protection on the basis of formal examination and opposition procedure only. In fact, I believe even the Hague Agreement on the International Deposit of Industrial Designs (a WIPO-administered deposit system) provides only for a formal examination.

Article 16: (1) This provision authorizes the Registrar to seek outside expertise. The necessary expertise, however, might not only be scientific as the provision states, but also technical. The provision should thus be expanded accordingly.

(2) As in the case of the Patent Regulation, it might be worthwhile adding a provision to specify that the expertise provided will, in all cases, be in accordance with the law of the Kingdom, and that outside bodies are required to respect the confidentiality requirements of the Office.

Article 18: This article will become irrelevant if there is no substantive examination. However, in the event it is decided to maintain the substantive examination requirement, it seems rather odd, if I understand the provision correctly, to give the Registrar leeway to determine the fee for carrying out the substantive examination. As I indicated in the comments on the Patent Regulation, a more judicious approach would be to set a standard fee for the substantive examination of each design.

Article 20: Article 20(2) deals with publication of the notice of preliminary approval in the Official Gazette. The provision gives the Registrar discretion concerning the material to be published, which could be considered a necessary power in the case of exceptional applications. However, the provision does not appear to go far enough in

requiring the publication of essential information to allow third parties to make informed decisions about filing opposition. At the very least the publication should include, in addition to the notice of preliminary approval, the drawings and class of product to which the application pertains.

Article 21: This provision corresponds to Article 28 of the Patent Regulation. As I indicated in my patent comments, while it is not uncommon to charge subscription fees for official gazettes or to charge a fee for the right to file an opposition, it would seem to defeat the purpose of opposition if a fee were charged to screen each design application.

Article 22: In the first sentence, the words “invention” and “patent” should be replaced with “industrial design or model” and “registration.”

Article 23 to 26: As in the case of the Patent Regulation, the regulations concerning opposition do an excellent job of ensuring due process for all parties, but they could be streamlined and made more efficient. I understand that the opposition procedure has its basis in the trademark regulations, and thus might need to parallel the trademark procedure for the time being, but at some point in the future, consideration should be given to reforming the opposition procedure for all elements of industrial property. An alternative to the current system, as I stated in my patent comments, would be to require the opposing party to submit the necessary affidavits and documentary evidence required in Article 25 along with the form notifying the opposition required in Article 23. The applicant for registration would then respond to the opposition not only with a defense pleading as required in Article 24, but also with the affidavits and documentary evidence required in Article 26. An essential element of this more streamlined procedure would be to give the Registrar the authority to extend deadlines or to permit delayed or additional submissions of evidence if justice so required. Such a system would allow the Registrar to render an opposition decision as much as two months’ earlier than the draft Regulation provides, which is important not only for the efficient running of the Office but also for the security of the parties concerned.

Article 27: According to this provision, the Registrar alone appears to have the authority to hear opposition cases. If the number of design, patent, and trademark oppositions increases over time, consideration will have to be given to delegating the authority to hear oppositions to other officials of the Office.

Article 28: This provision corresponds to Article 36 of the Patent Regulation and deals with the six-month grace period for the late payment of fees required by Article 5*bis* of the Paris Convention. Just as I mentioned in my patent comments, although Article 5*bis* permits countries to demand a surcharge for fees paid within the six-month period, I am not sure that a 100% surcharge, as provided by Article 28, falls within the spirit of the Paris Convention.

Article 30: This provision deals with the information that must be incorporated in the Register. In addition to the information mentioned, it would seem necessary to include a reference to the design or model, the illustrations, and the class to which the design or model pertains. Moreover, for registrants who are not nationals of Jordan or

who do not have domiciles in Jordan, consideration should be given to recording the name and address of the Jordanian agent.

Article 38: As I mentioned in my patent comments, this provision, which grants temporary protection for designs displayed at exhibitions as required by Article 11 of the Paris Convention, goes beyond the mandate of that Article. The Regulation grants temporary protection to products displayed at “any” exhibition, while the Paris Convention requires that protection be granted only to “goods exhibited at official or officially recognized international exhibitions held in the territory” of a Paris Convention country. There is nothing objectionable about granting more expansive protection than that required, but the decision to do so should not be made without recognizing that narrower protection would be permissible under both the Paris Convention and Article 12 of the Industrial Designs and Models Law.

Article 41: This provision parallels Article 49 of the Patent Regulation, and my comments with respect to that provision apply here as well. If I understand this provision correctly, it seems to create an additional opportunity for applicants whose applications or requests have been denied to make their case before the Registrar. If my interpretation is correct, the provision, unless used only in exceptional circumstances, has the potential to place undue burdens on the Registrar. Since there is, I believe, a right to appeal Registrar’s decisions to the courts, consideration should perhaps be given to circumscribing the right to non-restricted additional recourse to the Registrar.

Articles 47 to 54: These provisions deal with contractual licensing. As the case with the Patent Regulation, I question whether provisions of this sort belong in the Regulation and would suggest that most of them be deleted. While the provisions have substantive merit, those that deal with the approval of license contracts exceed the scope of the Industrial Designs and Models Law. It could therefore be argued that the provisions violate the principle of transparency since an individual would not ordinarily look to the Industrial Designs and Models Regulation to find provisions concerning which the Industrial Designs and Models Law is silent. The only provisions that, in my opinion, should remain in the Regulation are Articles 48, 51, and 54, since they deal with the recording of license contracts, and not with their approval.

Articles 55 to 65: These provisions deal with industrial property registration agents and parallel the provisions in Articles 72 to 82 of the Patent Regulation. Rather than duplicate the provisions concerning industrial property registration agents, it would seem more appropriate to delete them from the Patent, Industrial Design or Model, and Trademark Regulations, and issue them as a separate and distinct regulation applicable to all industrial property laws.

Final Comments: The draft Regulation constitutes an excellent step toward the establishment of a thorough and effective text. With minor amendments, such as those I have suggested above, the Regulation will help to ensure the implementation of a first-rate intellectual property system for the Kingdom.

Annex 10

Law No. () For The Year 1999 - Patent Law

Article (1)

This Law shall be known as (The Patent Law for the Year 1999), and shall come into force thirty days after its publication in the Official Gazette.

Article (2)

The following words and phrases, wherever mentioned in this Law shall have the meanings designated hereunder, unless otherwise indicated by context:

Ministry:	Ministry of Industry and Trade.
Minister:	Minister of Industry and Trade.
Invention:	Any inventive idea reached by an inventor, in any of the fields of technology, which is related to a product, or a process, or to both, which provides a practical solution to a particular problem in any of the said fields.
Patent:	The certificate granted for the protection of the invention.
Patentee:	The natural or juridical person who is granted a Patent.
Register:	The Patents Register.
Registrar:	The Patents Registrar in the Ministry.

Article (3)

An invention may be granted a patent protection, if the following conditions are met:

- A- 1- If it is new in terms of industrial technology, previously undisclosed to the public anywhere in the world, whether in written or verbal description, or through use, or any other means which affect knowledge of the invention, prior to the date of filing a patent application, or the priority date claimed in the application, pursuant to the provisions of this Law.
- 2- Disclosure of an invention to the public shall not be taken into account if it occurs within twelve months preceding the date of filing the patent application, or the date of claiming priority in the application, if such

disclosure was a result of an act committed by the applicant, or the result of an unlawful act committed by a third party against the applicant.

- B- If the invention involves an inventive step, which reaching is not obvious to a skilled person in the art familiar with the prior state of the technology in the field of the invention.
- C- If the invention is capable of industrial application, whereby it is capable of being manufactured or used in any field of agriculture, fishing, services, or industry broadly defined, including handicrafts.

Article (4)

The following shall be excluded from patent protection:

- A- 1- **Inventions, the exploitation of which would be contrary to public order or morality.**
 - 2- Inventions, the prevention of its commercial exploitation, is necessary to protect life and health of humans, animals, or plants, or to avoid serious prejudice to the environment.

The application of the provisions of subparagraph (1) and (2) of this Paragraph is conditional on the fact that the exclusion of protection is not made merely because the invention's exploitation is prohibited by other legislation in force.

- B- Scientific discoveries or theories, and mathematical methods.
- C- Diagnostic, therapeutic and surgical methods for the treatment of both humans and animals.
- D- Plants and animals, other than microorganisms.
- E- Biological processes for the production of plants or animals, other than non-biological and microbiological processes.
- F- Inventions, whose application for registration for the first time outside the Kingdom, had been filed by the owner more than eighteen months prior to the date of filing for registration in the Kingdom.

Article (5)

The right to a patent shall be granted as follows:

- A- To the inventor or to whomever the patent ownership passes thereafter.
- B- 1- If the invention is a result of a joint effort of more than one person, each of them shall have the right to the patent jointly and equally, unless they agree otherwise.

- 2- If the invention is independently made by more than one person, the right to a patent shall be granted to the person who is the first to file his application with the Registrar.
- C- 1- To the employer, if the invention is a result of an employment contract which requires the employee to carry out a particular inventive activity, unless otherwise stipulated by contract.**
 - 2- If the economic value of the invention is not foreseen by the employer and employee upon concluding the contract, then the inventive employee shall be entitled to a fair compensation proportionate to such value. If the two parties fail to reach an agreement regarding the amount of compensation, such shall be determined by the competent court.
- D- 1- If an invention of relevance to the field of activity of the employer, is made by an employee not required to carry out an inventive activity by the employment contract, and if such an invention is made through use of expertise, documents, tools, or the raw materials of the employer placed under the employee's disposal, then the employee shall immediately notify the employer in writing of the invention. In such case, the employee shall be entitled to the patent, if the employer does not express in writing an interest in owning the patent after the lapse of four months from the date of notice, or the date the employer becomes aware of the invention, whichever is earlier.**
 - 2- If the employer expresses his interest in owning the invention within the period stipulated in subparagraph (1) of this Paragraph, then he shall be entitled to the patent as of the date the invention is made. The employee shall be entitled to a fair compensation, which takes into account the significance and the economic value of the invention, and all benefits accruing therefrom to the employer. If the two parties fail to reach an agreement regarding the amount of compensation, it shall be determined by the competent court.

Article (6)

Notwithstanding any other legislation, Paragraphs (C) and (D) of Article (5) of this Law shall be applied. Moreover, any contractual agreement, which detracts from the rights of the employee, as stipulated in those two paragraphs shall be deemed void.

Article (7)

- A- A Register known as the “Patents Register” shall be established at the Ministry, under the supervision of the Registrar, in which records shall be maintained of all information related to the invention, names and addresses of their owners, and patents granted thereto, and any changes thereto resulting from procedures and legal acts and measures thereof, including:
 - 1- Any assignment, transfer of ownership, or license to use the patent granted by the patentee to others, subject to the provisions of confidentiality in the licensing agreement.

- 2- The attachment or hypothecation placed upon the patent, or any restriction on its use.
- B- The Register shall be available for the public in accordance with Instructions issued by the Minister for this purpose, which shall be published in the Official Gazette.
- C- The Ministry may maintain computerized records for registering patents and information related thereto; such data and documents retrieved therefrom and certified by the Registrar, shall be valid proof against others.

Registration of a Patent

Article (8)

- A- Any person may apply for registering a patent, on the form designated for this purpose, according to the following procedures:
 - 1- The patent application shall be filed with the Registrar, attached thereto a detailed description of the invention, including a clear and complete disclosure of the invention, sufficient to enable a person skilled in the art to carry out the invention, together with an indication by the inventor of the best mode for carrying out the invention that is known to the inventor at the filing date, or at the priority date of the application.
 - 2- The applicant shall be required to submit complete information about any patent applications filed in other countries for the same invention filed, before or at the same time, and the results of such applications. If the applications filed are related to biological materials or microorganism, the applicant shall provide proof of submitting samples to any of the specialized facilities.
 - 3- If other than the inventor, the applicant shall provide proof of the right to the patent.
 - 4- The application shall determine the specifications for which protection is sought in a clear and complete description. Graphical drawings may be used to illustrate such specifications if needed.
 - 5- The application shall include a brief summary description of the invention, new specifications for which protection is sought, name of the inventor and applicant and their addresses for purposes of publication in the Official Gazette.
- B- The date the Registrar receives the application shall be considered the date of filing, provided that the application is complete and encloses all documents required according to the Regulation issued for this purpose.
- C- The Registrar may request the applicant to amend the application, and to complete the information required by this Law or the Regulation issued in its accordance, provided that such amendments do not exceed the information disclosed in the

original application. Should the applicant fail to fulfill the Registrar's requirements within the period determined in the Regulation, he would be deemed to have abandoned the application, and the Registrar shall issue a decision in this regard. The applicant may appeal this decision to the High Court of Justice within sixty days from the date of notification.

Article (9)

- A- The application shall be limited to only one invention, or a group of interrelated inventions representing one creative concept.
- B- The applicant may amend the application submitted to the Registrar at any time prior to the issuance of the patent, provided that the amendments do not exceed the information disclosed in the original application.
- C- The applicant may divide the application into sub-applications, prior to the issuance of the patent, provided that each sub-application does not exceed the information disclosed in the original application. The date of filing the original application, or the priority date shall be considered the date of filing the sub-application.

Article (10)

- A-1- The applicant may claim priority in the application, for an application submitted by him or his predecessor in title, and filed on a prior date in a country with which Jordan is party to a bilateral or multilateral treaty for protection of industrial property, provided that the application is filed in Jordan within a period not exceeding twelve months, calculated from the day following the date of filing the first application.
- 2- If the application includes a priority claim, the Registrar may request the applicant, within the period specified in the Regulation, to submit an authenticated copy of the first filing issued by the office at which the application is filed. In such case, the date of filing for registration shall be the same as the date at which the application was filed in the foreign country, pursuant to the Paris Convention for Protection of Industrial Property.
- B- If the applicant fails to prove the priority right according to Paragraph (a) of this Article, the application shall be registered as of the date of filing with the Registrar.

Article (11)

Subject to the provisions of this Law, the heirs of a deceased who had reached an invention and had not file for its registration, shall have the right to file a patent application to be registered under their names, provided that the name of the real inventor is mentioned in this case.

Article (12)

The applicant may, at any time prior to the publication in the Official Gazette, request to make amendments to the invention specifications or the graphic illustrations

thereof, with an indication to the nature or reasons for the amendment, provided that such amendments do not modify the substance of the invention, or the information disclosed in the original application. The procedures applied on the original application shall apply on the amendments.

Article (13)

- A- If the application fulfils all the conditions specified in this Law, the Registrar shall announce its acceptance, and shall grant the applicant a preliminary approval. The Registrar shall publish an announcement of the approval in the Official Gazette, which shall include an abstract of the specifications, and any designs or related information thereto if applicable. The period for publication and the information to be published shall be specified in a Regulation issued for this purpose.
- B- 1- Subject to the provisions of Article (36) of this Law, the applicant shall be granted temporary protection for the period between the date of acceptance of the application and the date of granting the patent. The applicant may exploit the invention within this period and take legal measures to prove any infringement thereof.
- 2- After being granted the patent, the applicant may take any legal measure to cease any infringement on the patent and claim compensation if the infringement persists.

Article (14)

Any person shall be entitled to object on the registration of a patent to the Registrar, within a period not exceeding three months from the date of publication in the Official Gazette of the preliminary approval of the application. The objection procedures, notifications and conditions for extending the objection period shall be determined in a Regulation issued for this purpose.

Article (15)

- A- If no objection is submitted against the registration of the invention, or if the objection is rejected, the Registrar shall issue a decision to grant a patent after collecting the prescribed fees.
- B- If the applicant dies prior to granting the patent, the patent shall be granted to the successors in title, upon submission of appropriate documents of proof.

Article (16)

The Registrar shall not be liable for the novelty of the invention, innovation thereof, its industrial applicability, conformity with the actual specifications of the invention, or any benefits resulting therefrom, all of which shall be borne by the Patentee.

Article (17)

The term of protection shall be twenty years beginning from the date of filing the application for registration pursuant to the provisions of this Law.

Article (18)

A- The Patentee shall be entitled for an additional patent for improvements or changes made on the original invention. In such case, the term of protection for the additional patent shall be the remaining term of protection for the original patent, as long as the original patent is valid.

B- The additional patent shall be subject to the provisions of this Law relevant to the original patent.

Article (19)

Fees for applications to register inventions, patents and additional patents shall be determined in a Regulation issued for this purpose.

Article (20)

A- The procedures and conditions for temporary protection of inventions, displayed by the inventor at exhibitions held in the Kingdom or abroad shall be determined in a Regulation issued for this purpose.

B- The temporary protection stated in Paragraph (A) of this Article shall not result in extending the priority period stated in this Law.

Rights of the Patentee

Article (21)

1st-The Patentee shall be entitled to the following rights:

1-Where the subject matter of the patent is a product, the right to prevent third parties from making, exploiting, using, offering for sale, selling, or importing the product, without the patentee's consent.

2- Where the subject matter of the patent is an industrial process, the right to prevent third parties from using the process, or using the product manufactured directly by such process, or offering for sale, selling, or importing such product, without the patentee's consent.

B- *The Patentee shall have the right to assign the patent to others, or to conclude licensing contracts for its exploitation.*

C- Notwithstanding the provisions of this Law or any other legislation, carrying out research and development, and submitting applications for obtaining approvals to market a product prior to the expiry date of the patent protection shall not be considered an act of civil or criminal infringement.

License to Exploit the Invention

Article (22)

The Minister may grant licenses for the exploitation of an invention to other than the patentee and without his consent in any of the following cases:

- A- For relevant government departments or third parties licensed by such departments to use the patent, if such use is necessary for national security, emergency situations, or for public non-commercial benefit, provided that the patentee is notified as soon as practicable.
- B- If the patentee fails to exploit the patent, or if exploitation thereof is insufficient, prior to the lapse of three years from the date of granting the patent, or four years from the date of filing the patent application, whichever period lapses later. However, the Minister may decide to grant the patentee extension period, if the reasons for non-use or insufficient use are beyond the patentee's control.
- C- If it is decided judicially or administratively that the Patentee practices his rights in a manner that deters third parties from fair competition.

Article (23)

The following shall be taken into account upon issuing a license:

- A- The merit of the application for license on a case by case basis.
- B- Whether the applicant for a license has sought to obtain a license from the patentee to exploit the patent at a reasonable price and terms, and has failed to reach an agreement with the patentee within a reasonable period of time in the case stated in Paragraph (B) of Article 22 of this Law.
- C- The scope and duration of the license shall correspond to the purpose for which the license is granted. In case the license application relates to semi-conductor technology, a license shall only be granted for public non-commercial benefit, or to remedy practices, which are determined to be anti-competitive by a judicial or administrative authority.
- D- The license to exploit a patent shall not be exclusive.
- E- The license shall not be assigned.
- F- The license is granted to meet the local market demand, in other than the case stipulated in Paragraph (C) of Article (22) of this Law.
- G- The patent applicant shall be paid adequate remuneration, which takes into account the economic value of the invention.

Article (24)

The Minister may, upon his own initiative, or request of the Patentee, revoke the license, if the reasons for granting it are no longer applicable. Such revocation shall not prejudice the related rights of others having an interest in the license.

Article (25)

The procedures for issuing a license to exploit a patent shall be determined in a Regulation issued for this purpose.

Article (26)

Decisions to license a patent issued by the Minister, may be appealed to the High Court of Justice within sixty days from the date of notification of the concerned parties.

Transfer of Ownership, Hypothecation, and Attachment of a Patent

Article (27)

A- Ownership of a patent may be transferred, completely or partially, with or without consideration, and may be subject to hypothecation or attachment.

B- The patent and all rights attached thereto may pass by inheritance.

Article (28)

Transfer of ownership of a patent, its hypothecation or attachment shall be deemed as valid proof against others only as of the date of its recording in the Register, which shall be published in the Official Gazette.

Article (29)

The procedures of the transfer of ownership of a patent, its hypothecation and attachment and all other legal acts related thereto, shall be determined in Instructions issued by the Minister for this purpose. Such Instructions shall be published in the Official Gazette.

Expiry and Nullification of Patents

Article (30)

1st- A patent and all the rights arising therefrom shall lapse in any of the following cases:

1. The lapse of the term of protection as stipulated in the provisions of this Law.
2. Issuance of a final and conclusive decision by the competent judicial authority nullifying the patent.
3. Non payment of the annual fees and any additional fees related thereto after the lapse of six months from the due date.

B- The Registrar shall announce the expired patents according to Paragraph (A) of this Article in the manner stipulated in the Regulation issued for this purpose.

- C- 1- Any interested party shall be entitled to file at the High Court of Justice nullification for a patent granted in violation to the provisions of this Law. The Registrar shall cancel such patent from the Register if a decision for nullification is issued.
- 2- *The Registrar may cancel any patent granted in violation of this Law. The Registrar's decision may be appealed to the High Court of Justice. The protection granted to such patent shall continue until the issuance of the court's decision.*

Industrial Property Registration Agents

Article (31)

- A- 1- No person may practice the profession of an industrial property registration agent or represent oneself as such, unless registered in the designated register for this purpose, or a lawyer registered at the Bar Association.
- 2- Any person violating subparagraph (1) of this Paragraph shall be fined, by the competent court, of not less than one thousand Jordanian Dinars and not more than five thousand Jordanian Dinars.
- B- The conditions for practicing, as an industrial property registration agent shall be stipulated in a Regulation issued for this purpose.

Crimes and Penalties

Article (32)

- A- Any person committing, in bad faith, any of the following acts, shall be subject to imprisonment for a period not less than three months and not more than one year, or to a fine not less than one hundred Dinars and not more than three thousand Dinars, or both penalties:
1. Forged an invention patented pursuant to the provisions of this Law for commercial or industrial purposes.
 2. Sold, acquired for the purposes of selling, offered for sale or dealing, or imported from abroad, counterfeited products, of the subject matter of the invention, if such invention is registered in the Kingdom.
 3. Placed misleading data on his products, trademarks, advertisements, or his packaging material that would make belief that he has obtained a patent or a license.
- B- Paragraph (A) of this Article shall be applied on the attempting, assisting, or inciting to commit any of the acts stated therein.

C- The Patentee shall be entitled to claim compensation for damages suffered as a result of any of the acts provided for in Paragraphs (A) and (B) of this Article.

Provisional Measures and Other Penalties

Article (33)

- A- The Patentee of a registered patent in the Kingdom, when filing a civil or criminal lawsuit or during the course of the hearings, may petition the court to take any of the following measures, provided the petition is attached with a bank guaranty or a cash deposit accepted by the court:
1. Cease the infringement.
 2. Place a provisional seizure on the product, the subject matter of infringement, wherever found.
 3. Preserve relevant evidence to the infringement.
- B- The Patentee alleging infringement upon his patent may, prior to filing a civil or criminal lawsuit, petition the court to take any of the measures provided for in Paragraph (A) of this Article, without notifying the counter-party, if he proves that he is the patentee and that his rights had been infringed upon, or that such infringement is imminent and is likely to cause damages of irreparable harm, or where there is a demonstrable risk of evidence being destroyed or disappeared, provided that such petition is attached with a bank guaranty or a cash deposit accepted by the court. The counter-party may appeal this decision within eight days of notification. The decision of the Court of Appeal in this regard shall be final.
- C- If the Patentee fails to file the lawsuit within eight days from the date the court approves his petition, all measures taken in this regard shall be nullified
- D- The court may, upon the petition of the counter-party, provided that the petition is attached with a bank guaranty or a cash deposit accepted by the court, cease the provisional measure taken to close down the commercial store or the factory or any other place. This decision may be appealed within eight days from the date of notification. The decision of the Court of Appeal in this regard shall be final.
- E- The counter-party may claim just compensation if the court decides that the plaintiff's claims are invalid, or if the plaintiff fails to file the lawsuit within the specified period.
- F- The court may seek, in all cases, expert opinions for purposes of implementing the provisions of this Article.
- G- The court may order the seizure of the products, tools, and main materials used in manufacturing such products, or used in the infringement, or resulted therefrom. The court may also order destruction of such products, tools and materials, or use of such outside the channels of commerce.

Article (34)

- A- The court may require the defendant in any civil procedure regarding an infringement of the rights of the Patentee provided for in this Law, to prove that the process of producing his product which is identical to the product produced by the Patentee, is different from the process protected by the patent, if the production is made without the Patentee's consent and if there is a substantial likelihood that the identical product is made by the process protected by the patent, and the patentee was unable through reasonable effort to determine the process actually used.
- B-
 - 1- The court shall take into account the legitimate interests of the defendants to protect their industrial and commercial secrets when requesting for evidence according to Paragraph (A) of this Article.
 - 2- If such secrets are disclosed during a lawsuit filed by the plaintiff and based on an unjust claim, the defendant may claim compensation for damages by virtue of a court's decision.

Final Provisions

Article (35)

This Law shall apply to all patents granted in accordance with the Patents and Designs Law No. (22) for the year 1953 and amendments thereof, which are still in effect when this Law comes into force.

Article (36)

- A- Patents shall be granted for manufacturing and special chemical operations related to chemical products, medications, pharmaceuticals compound, or food.
- B- Patent applications for the protection of chemicals related to medications, or pharmaceutical or food final products may be filed after this Law comes into force.
- C- Decisions regarding applications referred to in Paragraph (B) shall not be made unless the provisions of this Article come into force.
- D- Subject to the provisions of any other legislation, the Minister may grant the patent applicant in the Kingdom an exclusive right to market the chemical products related to medical drugs or pharmaceutical compounds, or food products which are included in the subject matter of the invention, for a period of five years or until the period of granting or rejecting the patent, whichever is less, if the following occurs after the provisions of this Article come into force:
 - 1. An application is filed for a patent in the Kingdom for products mentioned in this Article
 - 2. An application is filed at another member country in the World Trade Organization, and the patent is granted.
 - 3. A marketing approval has been granted in the said country.
 - 4. A permit to register the drug in the Kingdom is granted from the Ministry of Health

- E- 1- The provisions of Paragraphs (C) and (D) of this Article shall come into force one Month after the issuance of a decision to this effect by the Council of Ministers, within a period not exceeding three years from the date of Jordan's accession to the World Trade Organization.**
- 2- If the decision referred to in subparagraph (1) of this Paragraph is not issued, the provisions of the said Paragraph shall come into force automatically upon the lapse of the said three years.

Article (37)

Nothing in this Law shall prohibit any person from importing any products or materials from a third party, if such party is accorded the legal protection for the same patent which is accorded protection in the Kingdom, if the importation is legal and complies with the fair commercial competition principles and takes into account the economical value of the protected patent in a fair manner.

Article (38)

The Council of Ministers shall issue the necessary Regulations for implementing the provisions of this Law including the fees to be collected.

Article (39)

The Patents and Designs Law No. (33) for the Year 1953 shall be repealed along with its amendments and any other legislation to the extent it conflicts with this Law.

Article (40)

The Prime Minister and the Ministers shall be responsible for implementing the provisions of this Law.

Annex 11: Law No. () For The Year 2000 - Industrial Designs and Models Law

Article (1)

This Law shall be known as “The Industrial Designs and Models Law for The Year 2000”, and shall come into force thirty days after the date of its publication in the Official Gazette.

Article (2)

The following words and phrases, wherever mentioned in this Law shall have the meanings designated hereunder unless otherwise indicated by context:

Ministry: Ministry of Industry and Trade.

Minister: Minister of Industry and Trade.

<u>Industrial Design:</u>	Any composition or arrangement of lines, which gives the product special appearance and appeal, whether by industry or handicraft, including textile designs.
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Industrial Model: A three-dimensional form, whether associated with lines or colors or not, which gives special appearance, that may be used for industry or handicraft.

Owner of Industrial Design or Model: The natural or juridical person who registered under his/its names an industrial design or model, in accordance with the provisions of this Law.

The Registrar: The Registrar of Industrial Designs and Models in the Ministry, nominated by the Minister.

The Register: The Register of Industrial Designs and Models.

Article (3)

A- A Register known as “ The Industrial Designs and Models Register” shall be established at the Ministry, under the supervision of the Registrar, in which records shall be maintained of all information related to industrial designs and models, names and addresses of their owners, and any changes thereto resulting from procedures and legal acts thereof, including the following:

- 1- Any assignment, transfer of ownership, or license granted by the owner of the industrial design or model to others.
- 2- The hypothecation or attachment placed upon the industrial design or model, and any restriction on its use.

- B- The Register shall be available for the public in accordance with the Instructions issued by the Minister for this purpose, which shall be published in the Official Gazette.
- C- The Ministry may maintain computerized records for the registration of industrial designs or models and data related thereto. The data and documents retrieved therefrom and certified by the Registrar shall be valid proof against others.

Registration of Industrial Models and Design

Article (4)

- A- An industrial design or model may be registered if the following conditions are met:
 - 1- If it is new, undisclosed to the public anywhere in the world, by any means, including use or publication in a tangible form thereof, whether disclosure occurred prior to the filing, or the priority date of the application for the registration, as the case may be, and in accordance with the provisions of this Law.
 - 2- If it is independently created.
- B- Disclosure to the public of an industrial design or model shall not be taken into consideration, if the disclosure occurred within twelve months preceding the date of filing for registration in the Kingdom, or the claimed priority date of the application, if such disclosure was a result of an act committed by the applicant, or of an unlawful act committed by a third party against the applicant.
- C- Industrial designs or models dictated by technical or functional considerations may not be registered. However, the Registrar shall issue his decision in this regard upon a recommendation of a technical committee, which shall be formed for this purpose.
- D- An industrial design or model that is contrary to public order or morality shall not be registered.

Article (5)

The right of registering an industrial design or model shall be as follows:

- A- To the creator or to whomever the right of the design or model passes thereafter.
- B- To all persons participating in the creation of the design or model, if it is the result of their joint effort, provided that it is registered for them jointly and equally, unless they agree otherwise.
- C- To the creator who is the first to file an application for registration, if the creation is independently made by more than one person.

- D- To the employer, if the creation is a result of an employment contract which requires the employee to accomplish such a creation, unless otherwise stipulated by contract.

Article (6)

The registration of an industrial design or model shall be as follows:

- A- An application for the registration of an industrial design or model shall be filed with the Registrar, on the form designated for this purpose, stating the kind of product, and attached thereto drawings, photographs and other illustrative data embodying the design or model.
- B- The application may include more than one industrial design or model, provided that they relate to the same class, set, or composition according to the relevant international agreements. In such case, each industrial design or model shall be subject to the payment of the prescribed fees.

Article (7)

- A- The date the Registrar receives the application for the registration of the industrial design or model shall be considered the date of filing, provided that the application fulfills all the legal requirements, and attached thereto all the data indicating the identity of the applicant, and the illustrative data of the industrial model or design.
- B- Where the Registrar finds that the application has not fulfilled the requirements stated in paragraph (A) of this Article, he shall invite the applicant to fulfill such requirements within the prescribed period in the Regulation issued according to this Law, or to make the necessary amendments. That date of fulfilling such requirements shall be recorded as the filing date. Otherwise, the Registrar shall issue a decision in this regard that would deem the applicant to have abandoned the application. The Registrar's decision may be appealed to the High Court of Justices within sixty days of notification.

Article (8)

- A- 1- The applicant for the registration of an industrial design or model, may claim priority thereto, for an application submitted by the applicant or his predecessor in title and filed on a prior date, for any State party to a treaty with the Kingdom, for the protection of industrial property, provided that the application is filed in the Kingdom within a period not exceeding six months, calculated from the day following the date of filing of the first application.
- 2- If the application includes a priority claim, according to item (1) of this paragraph, the Registrar may request the applicant, within the period specified in the Regulation, to submit an authenticated copy of the first filing issued by the office at which the application was filed. In such case, the date of filing of the first application for registration according to the Paris Convention for the Protection of Industrial Property, shall be the date of filing an application for registration in the Kingdom.

- B- Where the applicant does not prove the priority right according to paragraph (A) of this Article, the date of filing with the Registrar shall be considered the date of filing for registration in the Kingdom.

Article (9)

- A- If the application for the registration of an industrial design or model fulfills all the legal requirements and conditions, the Registrar shall issue his decision accepting the application. In such case, the fees prescribed shall be collected.
- B- 1- The Registrar shall announce the acceptance of the application in the Official Gazette. Third parties may oppose this acceptance within ninety days from the date of publication, in accordance with the procedures, which shall be determined in a Regulation issued for this purpose, pursuant to this law.
- 2- If no opposition is submitted against the acceptance of the application for the registration of an industrial design or model, the Registrar shall issue a decision for registering the design or model, and shall issue a certificate after collecting the prescribed fees.

Protection of Industrial Designs or Models

Article (10)

- A- After the registration of an industrial design or model, the owner shall have the right to prevent third parties not having his consent from making, importing or selling articles bearing a design or embodying a model which is a copy, or substantially a copy, when such acts are undertaken for commercial purposes.
- B- The protection shall not extend to any part of an industrial design or model that had been registered, if such part was dictated essentially by technical or functional considerations.
- C- Any person committing any of the acts stated in paragraph (A) of this Article shall be considered committing an act of infringement upon the rights of the owner of the industrial design or model and shall be subject to liability, if that person knew or should have known that he is infringing upon an industrial design or model protected in accordance with the provisions of this Law.

Article (11)

The term of protection of an industrial design or model shall be for fifteen years beginning from the date of filing the application for registration with the Registrar.

Article (12)

A- Industrial designs and models displayed by any creator at exhibitions held in the Kingdom or abroad shall be accorded temporary protection in accordance with the procedures and conditions determined in a Regulation issued in accordance with the provisions of this Law.

B- The temporary protection stated in paragraph (A) of this Article shall not result in extending the priority period stated in this Law.

Article (13)

A- Any interested person may apply to the Registrar for the nullification of the registration of an industrial design or model, if the registration is contrary to the provisions of this Law. The owner of the design or model shall be notified of such application; in accordance with the procedures stipulated in the Regulation issued in accordance with the provisions of this Law.

B- The Registrar shall issue his decision regarding the application, which may be subject to appeal to the High Court of Justice within sixty days of notification. However, the protection accorded to the industrial design or model shall continue until the Court issues its decision.

The Transfer of Ownership, Hypothecation and Attachment of an Industrial Design or Model

Article (14)

A- 1. The ownership of an industrial design or model may be transferred, completely or partially, with or without consideration, and may be subject to hypothecation or attachment, which shall be published in the Official Gazette.

2. The transfer of ownership or hypothecation of an industrial design or model shall not be deemed as valid proof against third parties prior to the date of its recording in the Register.

B- An industrial design or model and all rights and obligations related thereto may pass by succession.

Article (15)

The procedures of the transfer of ownership of an industrial design or model, its hypothecation, attachment and all other legal acts related thereto, shall be determined in Instructions issued by the Minister for this purpose, which shall be published in the Official Gazette.

Article (16)

The owner of an industrial design or model may grant third parties license with respect to its use, by virtue of a written contract to be recorded with the Registrar, who shall keep the provisions of the contract confidential.

Provisional Measures and Other Penalties

Article (17)

A- The owner of an industrial design or model may, when filing a civil lawsuit to prevent the infringement upon his rights in the design or model, or during the course of the hearings, petition the competent Court for the following, provided that the petition is attached with a bank guaranty or a cash deposit accepted by the Court:

1- Cease the infringement.

2- Place a provisional seizure on the product, subject matter of the infringement, wherever found.

3- Preserve the relevant evidence to the infringement.

B-1. The owner of an industrial design or model may, prior to filing the lawsuit, petition the Court to take any of the measures provided for in paragraph (A) of this Article without notifying the counter-party, provided that the petition is attached with a bank guaranty or cash deposit accepted by the Court. The Court may approve the petition if the owner proves any of the following:

- That his rights had been infringed upon.
- That such infringement is imminent and is likely to cause damages of irreparable harm.
- That there is a demonstrable risk of evidence being disappeared or destroyed.

2. If the owner of the industrial design or model fails to file the lawsuit within eight days from the date the Court approves his petition, all measures taken in this regard shall be nullified.

3. The counter-party may appeal the court's decision in taking the provisional measures to the Court of Appeal, within eight days of his notification or acknowledgment thereof. The decision of the Court of Appeal in this regard shall be final.

4. The counter-party may claim compensation for damages he suffered, if he proves that the plaintiff was unlawful in his petition to take provisional measures, or if the plaintiff failed to file the lawsuit within the period determined in item (2) of this paragraph.

C- The defendant may claim compensation for the damages he suffered, if the Court decides that the plaintiff's claims are invalid.

D- The Court may seek, in all cases, experts opinion.

E- The Court may order the seizure of the products subject matter of infringement, the tools, and main materials used in the manufacturing of such **products. The Court**

may also order the destruction of such products, tools and materials, or use of such outside the channels of commerce.

Article (18)

The Council of Ministers shall issue the necessary Regulations for implementing the provisions of this Law including:

1st-Fees to be collected.

B- Periods relevant to the procedures to be taken in accordance with the provisions of this Law, and the provisions of extension thereto.

Article (19)

The Patents and Designs Law No. (33) for the year 1953 shall be repealed along with its amendments. The provisions of any other legislation in conflict with the provisions of this Law shall not be applied.

Article (20)

The Prime Minister and the Ministers shall be responsible for implementing the provisions of this Law.

Annex 12

Overheads